

CASE STUDIES IN INDIAN ADMINISTRATION.

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CASE STUDIES IN INDIAN ADMINISTRATION



COMMITTEE ON CASE STUDIES
INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
INDRAPRASTHA ESTATE, RING ROAD, NEW DELHI-110002

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NEW DELHI

February 1984

Price { INDIA : Rs. 100.00
ABROAD : £ 15.00 or \$ 30.00

Printed in India at Times Press, Darya Ganj, New Delhi.

FOREWORD

It was on March 25, 1961 that the Indian Institute of Public Administration embarked upon its case studies programme by creating a Committee on Case Studies. In this committee, we defined the main objectives of the programme as follows:

- (a) to promote a deeper and wider understanding of the functioning of Indian Administration in its environmental and institutional framework; and
- (b) to build up a body of systematic knowledge about the administrative process in India.

From the beginning, it was recognized that case studies have an enormous potential for facilitating the advancement of teaching and research in the field of public administration as well as for being a rich source of ideas for the reshaping of development policies, programmes, projects and institutions and for accelerating the necessary reforms in the organisation and administration of the planning and implementation process. Particularly, it was necessary for public administrators to become far more aware of the value and importance of participative democratic decentralization and community involvement in the development effort so that democracy, social justice and economic progress could mutually reinforce each other.

Over the years, inclusive of the cases in this volume, the Indian Institute of Public Administration has published a total of 72 case studies ranging over the whole spectrum of public administration. Many of the recurring important problems of Indian administration and the changes in assumptions, values, attitudes, conceptual perspective, managerial

and behavioural skills required by public administrators are effectively highlighted by these case studies. Overall, they certainly provide valuable material for understanding and improving Indian administration, for raising the quality of teaching of public administration and for the creation of concepts and theories more appropriate to the Indian context.

I am happy to note that the editor of the present volume, Dr. Jaideep Singh, has added an analytical guide to facilitate the use of the seven case studies comprising this volume. Sixty-two case studies published in previous volumes were the subject of an earlier publication of his entitled, *Case Studies in Public Administration—An Analytical Guide*.

I would also like to take this opportunity of expressing my appreciation to Shri P.R. Dubhashi, Director, IIPA, and Project Director, Committee on Case Studies, for his personal interest, commitment and valuable support to the case study programme.

M.V. MATHUR

Chairman

FEBRUARY, 1984

COMMITTEE ON CASE STUDIES

PREFACE

The Indian Institute of Public Administration has played a pioneering role in bringing out a large number of case studies which depict in considerable detail the complexities of public administration in India. The present volume, entitled, *Case Studies in Indian Administration*, is the seventh volume in its new series of case studies. As was the case in most of the earlier volumes, the case studies included in the present publication are extremely diverse in nature and offer the reader a very interesting, wide ranging and educative journey into the kaleidoscopic reality of the challenges and tasks in which our administration is engaged.

The first case study by K.C. Chauhan pertains to what is perhaps the most basic area of failure in India's post-independence planned development efforts, viz., land reforms-legislation and implementation. The case portrays the legislative background and formulation of the Himachal Pradesh Ceiling on Land Holdings Act, 1972, the difficulties involved in its judicial validation and the multifarious administrative problems that had to be faced during its implementation. The case highlights the importance of ensuring clarity in policy and in the guidelines and rules for its implementation and also points to the serious retardation that occurs in implementation efforts due to the nonavailability of necessary, relevant information. In this particular situation, inadequate and poor land records became a major hurdle to efficient implementation.

The second case study by H.M. Singh highlights the necessity of taking up a planned change effort only after carefully analysing the merits and demerits of alternative change strategies and particularly, after obtaining the accept-

ance and commitment of the various individuals and groups who will be affected by the planned change. Otherwise, all the efforts of implementation may be in vain. As shown in the case, the scheme that was taken up for providing a productivity linked incentive bonus to employees of a departmentally managed state government transport undertaking had to be given up due to its inherent complexity and even more so, due to resistance from union leaders.

The third case study by K.C.S. Acharya is in two parts. Part I depicts how caste feelings, interpersonal hostilities and political rivalries combined to create a law and order situation. Part II describes the dynamics of irresponsible agitationist tactics on the part of university students and the value of carefully planned, timely and firm administrative action for the control of such situations. The case study highlights the critical importance of avoiding caste bias and the adoption of impartial, equitable attitudes and behaviour by political and administrative leadership.

The fourth case study by R. Narayanaswami describes how state level politics interfered with the implementation of a project. It also highlights excellent administrative leadership on the part of a district collector who played the key role in the management of the crisis and in catalysing a process of influence that resulted in the resumption of work on the project.

The fifth case study by Ranjit Issar is about a bakery that was set up by a cooperative society in a backward area of the State of Haryana in 1974. The unit suffered considerably high losses in its initial years of operation. The case increases our awareness of the importance of having clear guidelines for performance evaluation of public undertakings, and particularly, for clarity on the degree of acceptable trade-off between economic and social objectives.

The sixth case study by J.B. D'Souza, the then General Manager of the BEST Undertaking, describes the ten-day strike, from midnight of January 29, 1968 to the morning

of February 9, 1968, by the dominant Workers' Union of BEST. The case provides useful insights into the complex process of the effective management of a strike in a vital public utility organisation. Particularly, the case highlights the critical importance of the concept of balance between concessions for labour and gains for the organisation, *i.e.*, the costs of fulfilling union demands should be, by and large, covered by savings from operational economies and benefits from higher productivity. It also highlights, that in addition to effective organisational management, strong political intervention and active public participation are vitally important for the prevention and termination of such socially disruptive strikes.

The final case study by Jaideep Singh and M.K. Narain depicts and provides insights into the dynamics of the forces responsible for the causation, continuance and termination of a major strike in an urban local government organisation. The case highlights the critical importance of organisational policies which clarify to employees that there is a direct relationship between their performance and the benefits that they receive. Thus, additional benefits should be given in exchange for increased commitment and productivity while no work should bring no returns. The case also emphasizes the vital need of eradicating corruption in administration. The functional necessity and urgency of organisationally planned educational programmes for the eradication of ignorance, superstitious beliefs and illiteracy in our labour force is also clearly brought out by the case study.

I am quite hopeful that this volume of case studies would be found useful by public administrators as well as educators and trainers.

To facilitate the fuller realisation of the potential of these case studies, an *Analytical Guide* by the editor of this volume, Dr. Jaideep Singh, has been added.

I would also like to take this opportunity to express my gratitude to Prof. M.V. Mathur, Chairman of IIPA's Com-

mittee on Case Studies. Prof. Mathur has consistently taken keen interest in our case studies programme and we are much indebted to him.

A handwritten signature in dark ink, appearing to read 'P.R. Dubhashi', is positioned above a solid horizontal line.

(P.R. DUBHASHI)

Director

INDIAN INSTITUTE OF
PUBLIC ADMINISTRATION
and

Project Director,
COMMITTEE ON CASE STUDIES

NEW DELHI
FEBRUARY, 1984

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ANALYTICAL GUIDE

JAIDEEP SINGH

The Indian Institute of Public Administration initiated its case study programme in 1961. The main objectives of this programme were: (a) to promote deeper and wider understanding of the functioning of Indian administration in its environmental and institutional framework, and (b) to build up a body of systematic knowledge about administrative processes in India. It was visualised that this would be of value for the teaching of public administration and for the improvement of administrative institutions, policies, programmes, practices and procedures.

Including the case studies in the present work which is the seventh volume in IIPA's new series of case studies, the Institute has published 72 case studies—8 in its old series and 64 in its new series. In January 1983, the Institute brought out a publication entitled, *Case Studies in Public Administration—An Analytical Guide*, which analysed 5 case studies from the old series and all the case studies in the then published six volumes of its new series. The analysis of each case study was done under the following three headings:

1. The Case in Brief;
2. Concepts to be Highlighted;
3. Critique.

The same system of analysis has been used in this *Analytical Guide* to the seven case studies which comprise the present volume.

We are hopeful that this effort will facilitate the fuller utilisation of these cases in the teaching of public administration and also be of value for potential writers of case studies.

LAND CEILING IN HIMACHAL PRADESH

The Case in Brief

This case portrays the legislative background and formulation of the Himachal Pradesh Ceiling on Land Holdings Act, 1972, the dynamics of resistance to its judicial validation and some of the critical judicial and administrative problems that arose during its implementation.

Concepts to be Highlighted

1. Multiplicity of conflicting legislations for a given problem—in this case, the problem of ceiling on land holdings.
2. Lack of focus of legislation on the more critical top priority objectives.
3. Lack of clarity in objectives and guidelines and rules for implementation—dysfunctional complexity of planned strategy *vis-a-vis* comprehension let alone implementation, monitoring and control.
4. Retardation of implementation efforts due to inadequate and poor land records.

Critique

1. This case study can form a useful introduction to one of the most important and critical areas of failure in contemporary India's planned development efforts, *i.e.*, land reforms legislation and implementation.
2. The case study would have been much more interesting if a number of indepth interviews with critical persons had been included. These persons could have been the key legislators, judges, administrators, land owners who were dispossessed and intermediaries who were abolished, tenants who received ownership rights and landless beneficiaries most of whom were members of the scheduled castes and tribes. The emotional dynamics that such interviews provide are the kind of stimuli that would provoke deeper comprehension and functional attitudinal transformation in the readers/trainees for whom the case is intended.

DEMAND FOR BONUS TO EMPLOYEES OF A STATE UNDERTAKING

The Case in Brief

This case study depicts the evaluation of alternative solutions to the problem of creating a productivity linked incentive bonus scheme for the traffic staff, booking clerks and other employees of a departmentally managed state government transport undertaking. Finally, one scheme was taken up and implemented. Subsequently, however, in spite of the fact that the scheme had the government's approval, it had to be given up due to its complexity and even more so, due to resistance from the union leaders.

Concepts to be Highlighted

1. A number of alternative solutions should be designed after careful diagnosis of a problem.
2. Merits and demerits of alternative solutions should be holistically evaluated with regard to the multiple objectives that have to be simultaneously met, and particularly, from the point of view of the various individuals and groups whose acceptance is necessary for the successful implementation and institutionalisation of the scheme.
3. Only after careful, holistic evaluation and complete comprehension and personal commitment of all those affected by the scheme, should the chosen alternative be implemented.

Critique

The case study would have become far more interesting and informative if a number of personal interviews with significant individuals and groups had been included. These interviews could have been with the following:

- (a) the heads of the various departments of the undertaking, such as, traffic, mechanical, stores and administration;
- (b) members of the traffic crew such as conductors and drivers;

- (c) members of the maintenance crews;
- (d) booking clerks;
- (e) senior officers such as regional officers and regional joint directors;
- (f) formal and informal union leaders; and
- (g) some of the regular customers of the undertaking such as office-goers and students.

LAW AND ORDER SITUATION

The Case in Brief

This case study is in two parts.

In Part I, the author gives an example of how caste feelings, interpersonal hostilities and political rivalries combined to create a breakdown of law and order.

Part II of the case study describes the dynamics of agitationist tactics on the part of some of the students of Rewa University for the postponement of examinations for the graduate/degree classes. As a result of carefully planned, timely and firm administrative action, the deteriorating situation was controlled and normalcy was restored to the university.

Concepts to be Highlighted

Part I

1. Critical importance of avoiding caste bias and adopting impartial, equitable attitudes and behaviour on the part of the top political and administrative leadership.
2. Dysfunctionality of interpersonal hostilities and intra-group factionalism for the image, stability and performance of the ruling group.
3. Necessity of stimulating higher professional attitudes and behaviour *vis-a-vis* narrow parochial attitudes and behaviour on the part of members of the civil services at all levels.
4. Excellent leadership behaviour of the district collector.

Part II

1. Importance of carefully planned, timely and firm administrative action when handling a law and order situation created by immature and irresponsible behaviour and approach to achieving demands.
2. Critical importance of avoiding caste bias and adopting impartial, equitable attitudes and behaviour on the part of the top echelons of political, administrative and university leadership.
3. Critical role of close cooperation between the university authorities and district administration for the maintenance of peace in the university.
4. Dysfunctional role of caste based groupism in the student community for the quality of life in a university and for its development.

Critique

Part I

This part of the case study would have become even more interesting and educative if brief personal interviews with the following had been included:

- (i) Chief Minister;
- (ii) Mr. P.L.M., prominent member of the Janta Party;
- (iii) Mr. C.M.T., another prominent member of the Janta Party;
- (iv) Mr. Ghanshyam, CPI leader;
- (v) Mrs. A.S. Congress MLA and leader of the opposition;
- (vi) Local Minister;
- (vii) Commissioner;
- (viii) Collector;
- (ix) Superintendent of Police and other senior police officers; and
- (x) Intelligence Inspector of the Police.

Part II

This part of the case study would have become even more

interesting and educative if brief personal interviews with the following had been included:

- (i) Vice-Chancellor;
- (ii) Governor, in his role as Chancellor of the University;
- (iii) University teachers;
- (iv) Leaders of the agitationists;
- (v) Union leaders;
- (vi) Chief Minister;
- (vii) Commissioner;
- (viii) District Magistrate and Additional District Magistrate;
- (ix) Deputy Inspector-General of Police, Superintendent of Police and other senior police officers; and
- (x) Parents of students from both the Brahmin and Thakur groups.

LOCATION OF A PELLETISATION PLANT

The Case in Brief

This case study depicts the problems involved in approving a site in the State of Khandala for the location of a pelletisation plant which was to be set up by M/s Godbole & Co. in the joint sector in collaboration with the Steel Authority of India. The Union Ministry of Steel had approved the project towards the end of 1976 and the choice of the site had been left to the state government.

Just when some of the initial difficulties had been resolved—the land of the selected site had been approved for conversion from agricultural land to one for industrial use—the local branch of the central ruling party, *i.e.*, the Khandala Centrist Party, desirous of making political capital from the issue, started an agitation against the proposed site. Party workers fanned out amongst the agricultural families in Chandgad and tried to persuade them that the Godboles in collusion with the ruling Khandala Conference Government were out to exploit the villagers of Chandgad. Specifically, they claimed the following:

- (a) that good agricultural land was about to be misused by the Godboles;

- (b) that there was a likelihood of damage to surrounding agricultural fields through pollution;
- (c) that a large number of tenants were being deprived of their lands and that the local government was misleading everyone into believing that there were only three tenants involved; and
- (d) that the ruling Khandala Conference Government was acting in collusion with the Godboles.

The case study goes on to portray excellent leadership behaviour on the part of the District Collector of Khandala who manages the crisis, diplomatically yet firmly, and catalyses a constructive process of influence resulting in the termination of the agitation and the resumption of work on the project.

Concepts to be Highlighted

1. Fraudulent practices of big industrialists.
2. Dynamics of the ability of big industrialists to create pressures and influence the government to bend opinions, rules and laws in their favour.
3. Highly responsible behaviour of the District Collector of Khandala.
4. Functional importance of close cooperation between administrative and political leadership at the State level.
5. Functional importance of positive, supportive Centre-State relations.
6. Functional necessity of discipline and conduct norms for local branches of the central ruling party.

Critique

The case study would have become even more interesting and educative if brief feelingful personal views of some of the following had been included:

- (i) District Collector of Khandala;
- (ii) the three tenants who swore affidavits renouncing their land;
- (iii) Taluka Tehsildar;

- (iv) Chandgad MLA;
- (v) relevant officials of the Law Department of Khandala Government;
- (vi) Chief Secretary of Khandala;
- (vii) Chief Minister of Khandala;
- (viii) Chief Civil Administrator of Khandala;
- (ix) strong supporters of the plant and the site, for example, persons from nonagricultural families with no stakes in agricultural cultivation;
- (x) local persons who strongly opposed the site because of the possible pollution and other negative effects on their own agricultural lands;
- (xi) leaders of the Khandala Centrist Party;
- (xii) leaders of the ruling party in Khandala, i.e., Khandala Conference;
- (xiii) Mr. B.K. Godbole, owner of M/s Godbole & Co.;
- (xiv) Relevant top officials of the Steel Authority of India;
- (xv) Ministers and relevant top officials of the Ministry of Steel, Government of India; and
- (xvi) Union Home Minister and the Union Minister of State for Home Affairs.

HINDUSTAN COOPERATIVE BAKERY

The Case in Brief

This case study is about a bakery that was set up by a cooperative society in a backward area of the State of Haryana in 1974.

In Section I of the case study, the author reviews the performance of the bakery since its inception and raises the question as to whether the bakery should be closed and if not, then what are the steps that should be taken to make it an economically viable unit.

During its initial years of operation, the unit had suffered considerably high losses as indicated below:

1974-75	: about Rs. 2.1 lakhs
1975-76	: about Rs. 1.6 lakhs
1976-77	: about Rs. 1.8 lakhs
1977-78	: about Rs. 3.5 lakhs

It was only as of July 1978 that the unit started making a marginal degree of profit. The capacity utilisation of the unit is rather low—only about sixty per cent.

In Section II of the case study, the author outlines some of the measures that were successfully implemented to make the bakery an economically viable unit.

Concepts to be Highlighted

1. High financial losses in the initial years due to the absence of human resources planning and the lack of a team of experienced professional personnel with high managerial and technical competence.

2. *Lack of clarity in objectives*: If the primary objectives are social, for example, providing employment in a backward area and hygienically processed fresh bread to the inhabitants and the nearby population, then financial losses should not cause so much concern. If, however, financial viability is also a priority objective, then the government should allow a more realistic pricing policy. At present, the main product's permitted selling price (Re. 1 per loaf of plain bread of 400 grammes) is far below the cost of its production and distribution resulting in a net loss of about 30 paise per bread. A higher selling price of say, Rs. 1.50 per bread, would provide a profit of over 20 paise per bread. Keeping in mind that there would be an initial reduction in demand due to the higher selling price, it seems quite realistic to expect that with a competent marketing effort, sales could soon be made to rise again to the present level of about 10 lakh loaves of plain bread per year. This measure alone would result in profits of about two lakhs per year thus making the bakery an extremely viable economic enterprise.

Critique

The case study would have become far more interesting and would have enabled a more comprehensive analysis of the situation if it had included detailed personal interviews with all the key managerial, technical and government personnel connected with the bakery. Thus, the following personnel should have been interviewed for their perceptions of how

to make the unit an economically viable enterprise:

- (i) the non-technical senior officer of the parent organisation who had been functioning as the manager of the bakery;
- (ii) the former manager who had come on deputation from Modern Bakeries and had left after nine months;
- (iii) the senior accounts manager;
- (iv) the shift supervisors;
- (v) the new technical manager; and
- (vi) relevant senior administrators and political executives of the Government of Haryana, particularly those who are connected with the formulation of pricing policies for the products of bakeries in the State of Haryana.

‘BEST’ STRIKE

The Case in Brief

This case study describes a ten-day strike, from midnight of January 29, 1968 to the morning of February 9, 1968, by the dominant Workers’ Union of the BEST. Undertaking under the leadership of Mr. George Fernandes. Even though the BEST workers were among the higher income groups in the labour classes, on November 25, 1967, the union presented a twenty-point charter of demands to the management. Compliance with these would have cost the organisation between 4-5 crores and would have been extremely irrational from the point of view of the organisation’s annual financial picture and its general economic viability. It would have again necessitated the raising of bus fares and electricity tariffs for the public. Previous experience had shown that this is a never ending vicious cycle—the union would very soon present another charter of unrealistic demands. Consequently, the management of BEST insisted that any benefits for the workers would only be given on the basis of mutually acceptable operational economies and benefits from higher productivity. This principled stand seems to have been unacceptable to Mr. George Fernandes and just when negotiations with the Union had made considerable headway—

the demands had been reduced to Rs. 50 lakhs and made subject to operational economies—Mr. George Fernandes suddenly announced the strike.

The case study has been written by the then General Manager of the BEST undertaking and consists of three parts. Part I portrays the general setting and background of the strike. Part II, entitled, Strike Diary, comprises the major portion of the case study and provides a day by day description of the various influences at work during the duration of the strike period. Part III gives the case writer's analysis of the forces that led to an early and successful termination of the strike and offers some suggestions to administrators for the effective management of such situations.

Concepts to be Highlighted

1. Critical role for an organisation's economic viability of strong, effective and proactive top management which does not yield to irrational union demands and pressures.
2. Critical role of good relationship between management and the majority of workers for the early resolution of a management-union conflict.
3. Critical importance of the concept of balance between concessions for labour and gains for the organisation, i.e., the costs of fulfilling union demands should be covered by savings from operational economies and benefits from higher productivity.
4. Critical importance of strong political intervention for the creation of social concern and constructive attitudes on the part of union leaders and also, for the termination and prevention of strikes.
5. Critical role of labour leaders of important unions other than the striking union in affecting the balance of forces towards early termination of the strike.
6. Validity and functional utility of a factual publicity campaign by an organisation's management for the purpose of educating the public on the real issues, communicating the progress in management-union negotiations and clarifying the consequences for the public of management's acceptance of union demands.

7. Critical importance of the mobilisation of public interest and active public participation for the process of conflict resolution and early termination of the strike.
8. Functional necessity of large scale organisationally planned educational programmes in order to create a less gullible labour force.

Critique

This case study provides an excellent overview and useful insights into the complex process of the effective management of a strike in a vital public utility organisation.

The case would have been further enriched if it had included brief personal interviews with the following:

- (i) Mr. George Fernandes, leader of the Workers' Union;
- (ii) Mr. Narayan Phenany, General Secretary of the Workers' Union;
- (iii) Chairman of the BEST Committee;
- (iv) Municipal Commissioner of Bombay;
- (v) Dr. Shanti Patel, leader of the Congress party in the corporation;
- (vi) leader of the opposition in the corporation;
- (vii) the Mayor;
- (viii) labour leaders of important unions in the city other than the striking union, for example, Mr. S.R. Kulkarni, for port and dock workers and Mr. R.J. Mehta for engineering workers;
- (ix) Police Commissioner of Bombay;
- (x) Labour Minister, Government of Maharashtra;
- (xi) Chief Minister of Maharashtra;
- (xii) Mr. S. K. Patil and Mr. Hafizka, leaders of the BPCC;
- (xiii) Mr. Vasantrao Patil, President of the MPCC; and
- (xiv) Mr. Y.B. Chavan, Union Home Minister.

DYNAMICS OF A STRIKE

The Case in Brief

This case study depicts and provides insights into the

dynamics of the forces responsible for the causation, continuance and termination of a major strike in an urban local government organisation—specifically, the forty-five days October 30—December 13, 1972 strike by the safai karmacharies of the Delhi Municipal Corporation.

The case is in three parts. The first part outlines the historical background of the October-December 1972 strike, and also, gives a fairly comprehensive description of the day to day happenings and the influences at work during the strike. Part II of the study comprises of two sections which present, respectively, the personal views of selected members of the management of the corporation and leaders of the two unions particularly relevant to the October-December 1972 strike. The final part, *i.e.*, Part III, consists of the case writers' analysis of the dynamics of the forces responsible for strike causation, continuance and termination.

Concepts to be Highlighted

1. Dysfunctional role of political parties in building union leaders into positions of strength for the sake of temporary electoral benefits.
2. Critical importance of organisational policies which clarify to employees that there is a direct relationship between benefits and performance. Thus, for example, additional benefits are given in exchange for increased commitment and productivity while, on the other hand, no work brings no returns.
3. Critical importance of eradicating corruption in administration.
4. Functional necessity and utility of the creation of a daily information monitoring system and 'Control Rooms' where reports on the strike situation and reports on assaults and disturbances can be immediately sent, analysed and consolidated for further administrative action.
5. Critical role of emergency task forces for special purposes, for example, night cleaning operations, flying squads for emergency cleaning, etc.
6. Critical role of direct communication with the public

taking the help of all available media, for example, newspapers, television, publicity vans, etc., in obtaining public cooperation and voluntary assistance during the strike and in gaining public support for the termination of the strike.

7. Critical importance of the voluntary efforts of individuals, groups and agencies during the period of the strike and in its termination.
8. Functional necessity and urgency of organisationally planned educational programmes for the eradication of ignorant superstitious beliefs and illiteracy in the labour force.

Critique

This case study provides valuable insights into the dynamics of the forces responsible for the causation, continuance and termination of a major strike and gives some guidance on the kind of organisational and administrative measures that may be useful for the prevention and management of such strikes in the future.

The case would have been further enriched if it had included brief personal interviews with the following:

- (i) The Mayor;
- (ii) Commissioner, MCD;
- (iii) Deputy Commissioner (establishment);
- (iv) Municipal Health Officer;
- (v) Labour Welfare Officer;
- (vi) Zonal Assistant Commissioners, particularly, from the most affected zones;
- (vii) Zonal Health Officers, particularly, from the most affected zones;
- (viii) Some of the Sanitary Inspectors and Assistant Sanitary Inspectors from the most affected zones;
- (ix) Labour Commissioner, Delhi Administration;
- (x) Chief Secretary, Delhi Administration;
- (xi) Lt. Governor;
- (xii) Chief Executive Councillor, Delhi Metropolitan Council;

- (xiii) Union Minister for Labour;
- (xiv) Union Minister for Health and Family Planning ; and
- (xv) Union Home Minister and Union Minister of State
for Home Affairs. ☐

LAND CEILING IN HIMACHAL PRADESH

K.C. CHAUHAN

The matter of land ceiling in Himachal Pradesh has a chequered history due to a variety of causes which will be evident from this case study.

The first land ceiling measure of Himachal Pradesh, namely, the Himachal Pradesh Abolition of Big Land Estates and Land Reforms Act was enacted in the time of the first popular ministry in 1953. The Pradesh then was a Part C State comprising only five districts of Mahasu, Bilaspur, Mandi, Chamba and Sirmur. The then Lt. Governor reserved the said legislation for the assent of the President under section 26 of Government of Part C State Act, 1951. The bill was introduced in the Assembly without waiting for the preintroduction clearance of the Central Government. The bill was referred back by the Central Government to the state legislature three times with directives of the President of India. The bill ultimately was assented to by the President in 1953.

The leading landlords of the Pradesh challenged the validity of the legislation in the Supreme Court. The Supreme Court stayed the implementation of the legislation. It may be stated that one shortcoming in the stay order of the Supreme Court was that while the government was bound down not to implement the legislation there were no corresponding restrictions on the landowners taking an undue advantage of this lacuna and transferring their lands to tenants on payment of a price which was much more than the compensation that they had to pay under Land Reforms Act for acquisition of ownership. Transfers were made even in favour of third parties.

In October, 1958 the aforementioned legislation was struck down by the Supreme Court as *ultra vires* on the ground

that the Himachal Pradesh assembly was not properly constituted and as such the legislation passed by such an assembly had no force of law.

It may be stated that after merger of erstwhile Bilaspur state only the four MLAs of that province were administered oath. The court held that all the MLAs should have been administered oath as it was a new legislature.

The legislation was validated by the Constitution Validation Act, 1958 by the Parliament. Even this Validation Act was challenged in the Supreme Court. In April, 1960 the Supreme Court held that the Parliament was competent to pass the Validation Act and that the act was *intra vires*.

It was in the year 1962 that the government chalked out a programme for implementation of the legislation and a land reform commissioner was appointed. As a result of the implementation as many as 289 big landed estates came within the orbit of the legislation for their abolition. As per preamble of the said Land Reforms Act of 1953, the Act was meant to provide for abolition of big landed estates and to reform the law relating to tenancies in the pradesh. These estates were mostly held by the members of the ruling families of the erstwhile princely states and leading Rajput and Brahmin families and the temples. Some families of the business community like Khatri and Mahajans were also the beneficiaries of princely munificence.

Section 27 of the said Act of 1953 pertains to the land ceiling and chapter VIII is regarding management by the state under certain eventualities. Under Section 27 if a land owner holds land with annual land revenue exceeding Rs. 125 the right, title and interest in such land of the land owner vested in the state government against payment of compensation which was on a sliding scale. This provision, however, did not apply to land under personal cultivation of the land owner. Therefore, to this extent, the legislation fell far short of the objective of imposing the ceiling on land holdings.

Under chapter VIII of the act, the state government was to make rules for efficient cultivation of the land holding of a land owner exceeding the annual revenue of Rs. 125 in other districts and 30 acres in Chamba district. If any holding did not come upto the prescribed standard of cultivation, its

management was to be taken over by the state. The rules under this chapter were not framed and the provisions were, therefore, not implemented. These again were not provisions about land ceiling but were aimed at insistence on efficient cultivation of the land for the purpose of increasing agricultural production. The Act, as a whole, was primarily a legislation to abolish intermediaries on land and to bring the cultivators into direct contract with the state.

In November, 1976, as a result of the reorganisation of Punjab, the Kangra district as it stood then, Una tehsil of Hoshiarpur district, Simla tehsil, Nalagarh and Kanda Ghat areas of PEPSU were merged in Himachal Pradesh. In the areas coming from Punjab, Security of Land Tenures Act, 1953 was applicable and under this Act the ceiling on land holdings was 30 standard acres or 60 ordinary acres. In the areas coming from Patiala and East Punjab States Union, Agriculture Tenancy Land Act, 1955 was applicable. Ceiling under this Act was 30 standard acres or 80 ordinary acres. Thus, there were three sets of ceiling laws operating in Himachal Pradesh. These three sets of laws were unified in 1972 when the State Assembly enacted the Himachal Pradesh Ceiling on Land Holdings Act, 1972 (Act No. 19 of 1973). The Act is based on the national guidelines evolved in the chief ministers' meeting held on July 23, 1972 at New Delhi. According to the guidelines, the ceiling for the best category of land with assured irrigation and capable of yielding two crops a year was allowed to be within the range of 10 to 18 acres taking into account the fertility of soil and other conditions. In the case of land having an assured irrigation for only one crop in a year the ceiling was not to exceed 27 acres and for other types of land the ceiling was not to exceed 54 acres. It is relevant to point out that in special cases like desert areas and hilly areas the ceiling for the other categories of land, *i.e.*, dry lands, was relaxable in consultation with the ministry of agriculture, Government of India. The said ministry had allowed ceilings of 18 acres, 27 acres and 72 acres respectively for land under assured irrigation growing two crops in a year, land under assured irrigation growing one crop in a year and land of other categories. For Himachal Pradesh, the ceiling for dry lands was allowed higher than

the national guidelines of 54 acres as the state government described the lands in the state in the following terms:

1. In the hills, the cultivation is done in terraces and about $\frac{1}{3}$ rd area of the land is thus lost.
2. To check soil erosion, all the terraces have to be treated to contour-bunding which also reduces further the area available for cultivation.
3. The soil is not very productive as, on account of heavy rains, it is constantly subjected to soil erosion and after meeting the cost of cultivation, the net return per acre is much less than in the plains for the same kind of soil.
4. The rainfall is either heavy or negligible.
5. Apart from these vagaries of nature, the irrigation wherever available is also dependent on the extent of the snowfall and rains.
6. The lands are scattered and fragmented, slopy and stony.
7. There is a large variety of classification of lands recorded in the land records during settlements.
8. The land revenue assessment is light because of poor quality of soil. The land revenue is assessed on the basis of $\frac{1}{4}$ net assets of an estate, *i.e.*, the net returns to a farmer after meeting the cost of production.
9. The irrigation kuhls dug out from hill streams do not give assured irrigation throughout the year and crop failures on this account are frequent. Due to this reason the land has to be classified as 'Kulahu Awal', 'Kulahu Dowam' and 'Kulahu Soyam', etc., depending upon the water supply.
10. In a large area of the pradesh, millets like 'koda', 'chalai', 'fafra' and 'ogla' are grown which fetch little price to the farmers if they want to sell this produce.
11. Animal husbandry in Himachal Pradesh is auxiliary to agriculture on larger scale as compared to the plains. A farmer has to maintain cattle not only for milk, but also for manuring.
12. In some cases there are areas within individual lands

under heavy growth of forest. These areas cannot be made available for cultivation after felling the trees as it will result in heavy soil erosion apart from adversely affecting the cultivators' lands. In some areas it is likely to affect the national projects like Bhakra Dam.

The above ceiling cleared by Government of India was not acceptable to a section of the legislature and after discussions the following land ceiling was provided in Section 4 of the Himachal Pradesh Ceiling on Land Holdings Act:

1. The permissible area of a landowner or a tenant or a mortgagee with possession or partly in one capacity or partly in another of a person or a family consisting of husband, wife and upto three minor children shall be in respect of:
 - (a) land under assured irrigation capable of growing two crops in a year—10 acres.
 - (b) land under assured irrigation capable of growing one crop in a year—15 acres; and
 - (c) land of classes other than described in clauses (a) and (b) above including land under orchards—30 acres.
2. The permissible area for the purposes of clause (c) of sub-section (1) for the districts of Kinnaur and Lahaul and Spiti, tehsil Pangi and sub-tehsil Bharmour of Chamba district, areas of Chotta Bhangal and Bara Bhangal of Baijnath, Kanungo circle of Tehsil Palampur of Kangra district and area of Dodra Kuwar Patwar circle of Rohru tehsil and Pandra—bis Pargana of Rampur tehsil of Simla district shall be 70 acres.
3. The permissible area of a family under sub-section (1) shall be increased by one-fifth of the permissible area under sub-sections (1) and (2) for each additional minor member of a family subject to the condition that the aggregate permissible area shall not exceed twice

the permissible area of a family under sub-sections (1) and (2).

4. Every adult son of a person shall be treated as a separate unit and he shall be entitled to the land upto the extent permissible to a family under sub-sections (1) and (2) subject to the condition that the aggregate land of the family and that of the separate units put together shall not exceed twice the area permissible under the said sub-sections:

Provided that where the separate unit owns any land, the same shall be taken into account for calculating the permissible area for that unit.

5. If a person holds land of two or more categories described in clauses (a), (b) and (c) of sub-section (1) and sub-section (2) of this section, then the permissible area shall be determined on the following basis:

- (i) in the areas mentioned in sub-section (2) of this section, one acre of land mentioned in clause (a) of sub-section (1) shall count as one and a half acres of land mentioned in clause (b) of sub-section (1) and seven acres of land mentioned in clause (c) of sub-section (1);
- (ii) in the areas other than the areas mentioned in sub-section (2) of this section, one acre of land mentioned in clause (a) of sub-section (1) shall count as one and half acres of land mentioned in clause (b) of sub-section (1) and three acres of land mentioned in clause (c) of sub-section (1).

Provided that on the basis of ratio prescribed in clauses (i) and (ii), the permissible area shall be converted into the category of land mentioned in sub-section (2) and in clause (c) of sub-section (1) as the case may be, and the total area so converted shall not exceed 70 acres in case of clause (i) and 30 acres in case of clause (ii).

Where a person is a member of the family, the land held by such persons together with land held by all the members of the family shall be taken into account for the purpose of calculating the permissible area.

The lands owned by the state government or the Central Government; lands belonging to registered cooperative farming societies; lands belonging to Land Mortgage Banks, the state and central cooperative banks were exempted from ceiling.

The permissible area is to be computed with reference to the appointed day which is January 24, 1971 and all transfers of land by a person hit by the ceiling after the appointed day, except a bonafide transfer, is not to affect the right of the state government to the surplus area. The land acquired by the government under any law or acquisition of proprietary rights by tenants under certain tenancy laws after the appointed day, is excluded from computation of permissible areas. There is a further provision that if a person transfers any land in contravention of the provisions of the ceiling law then in case of vestment in the state, the land left with him after such transfers will be taken into account first and the transferred land will be taken into account only for making up the deficiency of land to be vested. There is a bar on further acquisition of land in excess of the permissible area and as soon as a land owner acquires more land than the permissible area by transfer, exchange, mortgage, lease, agreement or settlement or inheritance, the excess area will vest in the state government.

This legislation was challenged by a large number of land owners in the Himachal Pradesh High Court by writ petitions and the full bench of the court on June 23, 1976 while disposing the petitions of several land owners held the legislation to be a valid piece of legislation. Unlike the land ceiling legislations of some other states, the operation of which was stayed completely when challenged before the courts, in the case of the Himachal Pradesh Ceiling Act, the operation was stayed only with respect to those land owners who had filed writ petitions in the High Court and the operation of the Act as a whole was not stayed. For this reason the state government could frame a time-bound programme of implementation of the legislation. Therefore, the implementation of the ceiling legislation with respect to those cases which were not involved in writs was started immediately after the law came into force on receipt of assent of the President in July, 1973.

The rules under the Ceiling Act had been drafted immediately after the assembly passed the law. The land owners were required to file the returns of the land held by them and their family members in a prescribed form within 42 days from the commencement of the rules. In case a land owner did not furnish the return, the same was to be prepared by the revenue department. In the return, the land owner had to show the land held by him and the members of his family, the land for which exemption was claimed and the land transferred after the appointed day. If a land owner held land in different patwari circles he had to file a declaration and failure to file the same was punishable under the Act. If a land owner held land in the jurisdiction of more than one collector he had to file the return with the collector in whose jurisdiction he held the largest area.

A scheme known as surplus area utilisation scheme was also prepared to distribute land among the landless.

Under the Ceiling Act, 2713 cases arose. In 1437 cases, returns were filed voluntarily and in the remaining 1276 cases, the returns were prepared on official initiative after the expiry of the period for filing voluntary returns on February 28, 1974. A large number of returns had to be prepared on official initiative due to a variety of land tenures in the state. 2705 cases were decided by the collectors but 8 cases which were remanded on appeal or revision by higher courts/revenue officers still remain to be decided.

With a view to expediting the implementation of the Act, the powers of collectors were conferred on the sub-divisional officer (C) except in the case of Kinnaur and Lahaul and Spiti tribal districts where the deputy commissioners exercised the powers of collectors under the Act. The position of surplus area in the state is as follows:

(a) surplus area estimated	2,85,816.47 acres
(b) surplus area declared	94,187.47 acres
(c) surplus area taken possession of	93,371.39 acres
(d) surplus area distributed among landless persons and others	3,343.66 acres

The waste land of some land owners in Kinnaur and

Lahaul and Spiti tribal districts and parts of Simla district was unmeasured and no proper land records existed for the same. The state government issued notification under the HP Land Revenue Act for special revision of records pertaining to such land and these have since been prepared. The lack of proper land records for such areas had been an inhibiting factor for completion of the work of implementation of the Act in its entirety at a desired speed. Survey parties to measure the land had to be sent to the border tribal districts of Kinnaur and Lahaul and Spiti to measure the land. This involved covering rocky perilous terrain and even high peaks.

The reason for a considerable gap between the area taken in possession and that distributed is that the surplus area mostly comprised banjar land, grass land or private forests and pastures. The cultivated land was already in the possession of the tenants and the tenants became owners under the HP Land Reforms Act 1972 which provides for automatic vestment of ownership rights on tenants.

The state government in July, 1975 announced that all the landless persons in the state, which according to a survey then made were about 18,000, would be allotted land by the end of September, 1975. The allotable surplus land was small. The state government, therefore, apart from the utilisation of the surplus area scheme, prepared two other schemes, namely, the Himachal Pradesh Special Nautor Scheme and the Himachal Pradesh Village Common Land Utilisation Scheme. All these schemes prescribed a summary procedure for the allotment of land and the work of allotment of land from the three sources, *i.e.*, surplus area under the Ceiling Act, the village common land that vested in the government under the HP Village Common Lands Act and the government waste land (Nautor Land) other than reserve forest and demarcated protected forests, was completed by September 30, 1975. The majority of the beneficiaries were members of the scheduled castes and tribes.

The surplus area vests in the state government on payment of amount that has been laid down in the Act as follows:

- (i) for the land upto ten acres, ninety-five times the land

- revenue (including rates and cesses);
- (ii) for the land in excess of 10 acres and below 30 acres, seventy-five times the land revenue (including rates and cesses); and
- (iii) for the remaining land, forty-five times the land revenue (including rates and cesses).

Under the land ceiling legislation of the state the term 'land' includes private forests also and no compensation has been prescribed for the trees. The land owners were sore on their trees having been acquired without payment of compensation. Some of the areas contained valuable species of alpine forests like deodar, spruce and silver pine. Prior to the operation of the Ceiling Act, the private forests in the state were governed under the Himachal Pradesh Private Forest-Act which placed restrictions on felling of trees only without interfering with the status of ownership in such forests.

In the above background of ceiling legislation, a case of Simla district comprising quite a remote area is dealt with here. The case has gone through all the vicissitudes of fortunes of the above given history of land ceiling legislation in the state and is a representative case pertaining to land ceiling in the state. This case came within the orbit of section 27 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953. After the Supreme Court finally adjudged the said Act as a valid piece of legislation, the implementation started *qua* this land owner's holding. The tenants of the land owner, numbering about 2,500, acquired proprietary rights of the tenancy land in their possession measuring 2,200 acres. This land owner held vast areas in the shape of banjar, 'ghasnies', and private forests. He gave the plea that such areas were exempt from the operation of the law under section 27(2) of the said 1953 Act as such lands were under his personal cultivation. The implementation of the Act regarding such land was resisted by filing a declaratory civil suit. The case was decided by the HP High Court on June 26, 1973 and it was held by the court that the land like banjar kadim, gharat (water mill), kohlu, abadi, gair mumkin (unculturable waste land), ghasni (grass land)

comes within the definition of land and that banjar kadim, land containing grass akin to ghasni and pasture is land and not immune from vesting under section 27 of the Act in the state.

To make the law very clear and unambiguous, in this behalf, an opportunity was taken to have a very comprehensive definition of the term 'land' in the HP Ceiling on Land Holdings Act, 1972.

Lot of litigation under all the above said ceiling legislations went on in courts over the term 'land'. This term was differently defined in the following three Acts which were applicable to the state before unification of tenancy and land reform laws. These definitions are as follows:

HP Abolition of Big Landed Estates and Land Reforms Act, 1953

'Land' means land which is not occupied as the site of any building in a town or a village is occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture and includes:

- (a) the site of building and other structures on such land;
- (b) orchards; and
- (c) ghasnis.

Punjab Security of Land Tenures Act, 1953

Land has the same meaning as assigned to it under the Punjab Tenancy Act. The definition under the Punjab Tenancy Act is as follows:

'Land' means land which is not occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture and includes the site of building and other structure on such land.

PEPSU Agricultural Tenancy Land Act, 1955

'Banjar' land means land which has remained uncultivated for a continuous period of not less than four years immediately preceding the date on which the question whether such land is banjar or not arises.

As the big land owners in the state held large areas of waste land differently classified at the last land settlements, a thorough study of such classifications prevalent in various districts of the state was made and a comprehensive definition of the term 'land' was included in the HP Land Ceiling Act, 1972 as follows:

3(f) 'land' means land which is not occupied as the site of any building in a town or village is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, or for pasture and includes:

- (i) the sites of building and other structures on such land;
- (ii) orchards;
- (iii) ghasnies;
- (iv) banjar land; and
- (v) private forests.

This all-embracing definition plugged the loopholes of earlier definitions and the net proved not only big but tight enough not to allow any evasion of law.

The financial commissioner, Himachal Pradesh, who has the powers of appeal and revisions under the HP Ceiling Act, in Major general Jai Singh case in Revision Petition No. 180/76, has also interpreted the term land *qua* the banjar land and Gairmumkin land (unculturable waste) and it was held by the financial commissioner that banjar land and gairmumkin land has to be taken into account while deciding the surplus area. The test is that if banjar land and gairmumkin land is subservient to agriculture it is land.

At about this time the Punjab and Haryana High Court in case Sucha Singh Bajwa *vs.* the State of Punjab in Civil Writ No. 3150 of 1973 struck down the definition of the term 'family' as contained in the Punjab Land Reforms Act, 1972. This Act was also based on the national guidelines but the definition of 'family' in the Act was struck down as unconstitutional.

Emboldened by the above verdict of the Punjab High Court this land owner alongwith other land owners challenged.

the validity of the Act in HP High Court arising the following contentions:

That the Act is not a valid piece of law due to the defective assent by the President. It cannot be implemented as it is vague. The Act is discriminatory. Whereas an adult son has been given separate right to hold land, the adult daughter has been deprived of this right. A discriminatory treatment has been given to major and minor sons. That the wife, two minor daughters and a minor son all constitute a 'person', separately. Clubbing them with the petitioner is a denial of fundamental right to hold property and denial of rights conferred by the Hindu Succession Act. The Act is violative of the Articles 14, 15, 19, 26 and 31 of the Constitution of India. That corporate legislation regarding agriculture and forest land could not be brought about. That even if forest is treated as land, the petitioner is entitled to reap the crop, *i.e.*, clear the trees before vestment in the government. That discrimination has been made between different kinds of land and yield of land has not been kept in view.

Regarding the contention about composite legislation on land and private forest, Chief Justice T.U. Mehta who wrote the judgement of the court held "it is pointed out that in list II of the seventh schedule, Entry 18 refers to land and Entry 19 refers to orchards. It is said that the two entries being separate and distinct from each other a single piece of legislation cannot be enacted. The submission, in my opinion, proceeds on a fallacy. The entries in list II of the seventh schedule specify the different matters in respect of which the state legislature is competent to enact legislation. The power to so legislate vests in the state legislature over the entire area covered by list II. In exercising its legislative power under Article 245 in respect of that area, it is open to the state legislature to enact a single piece of legislation in respect of the subject matter of one entry alone or to include the subject matter of two or more entries in a single piece of legislation. No constitutional principle, so far as I am aware,

requires the legislature to enact a single statute in respect of the subject matter of a single Entry alone. By defining the expression 'land' in section 3(f) of the impugned Act to include land in its ordinary connotation as well as private forests, the state legislature has done that which it was competent to do".

Some other affected land owners of the state had also challenged the Act. In addition to the contentions as enumerated above, they challenged the *vires* of the Act *inter alia* on the ground that the definition of orchard is discriminatory as it excludes guava and vineyards. That the compensation is illusory. That the transfer of land valid under the transfer of Property Act cannot be invalidated by section 7 of the Act. The said section 7 is invalid insofar as the collector has unfettered power to determine whether the transfers made after the appointed day are bonafide or not. That religious institution is not a person within the meaning of the Act.

By a full bench judgement dated June 23, 1976, the HP High Court dismissed the writ petition of this land owner alongwith similar other petitions rejecting all the contentions. The main contention being about the definition of the family which the Punjab High Court had held as defective under the Punjab Land Reform Act, the HP High Court disagreed with the Punjab High Court as follows:

The learned judges proceeded on the basis that the option has been left to the senior most members of the family to select the permissible area out of the land of other members of the families... and that no provision has been made in the Act for adjusting the *inter se* right of the members of the family in the permissible area. None of those considerations arise on the construction which has found favour with me in respect of the impugned Act before me.

The HP High Court held that extent of the holding of the land owner is taken into account solely for the purpose of mathematical computation for determining the permissible area of another land owner whose case is under consideration. The ceiling provision has nothing to do with right of succes-

sion but only for computation of permissible area.

This interpretation of the high court is perfectly in tune with the revolutionary changes desired to be brought about in the country through the ceiling laws, namely, that the family and not the individual should be the unit of ceiling. It is gratifying that the Act emerged unscathed from the judicial scrutiny.

This land owner tried to keep the ceiling law at bay by filing writ in the high court. He obtained stay order restraining the collector from taking over the surplus area. After the writ petition of this land owner was rejected by the HP High Court the ceiling case of this land owner was decided by the collector on June 10, 1980. One of the interested persons in this case had challenged the proceedings of the collector before the revenue commissioner, who remanded the case on July 19, 1977 holding the appeal as premature on the ground of adoption of wrong procedure. The measurement of the unmeasured waste land took some time. The land of this land owner is situated in three tehsils and the hearing of the parties involved touring in the interior and because of the difficult terrain this could be done only in fair weather.

It may be stated that the land owner did file a return mentioning the areas therein for which land records existed and added a note that in several villages the land is unmeasured and for which records do not exist.

As a sequel to survey operations and revision of records, the total land held by the land owner was 11,955 bighas. Out of this an area of 1008-9 bighas was involved in bona-fide transfers. 660-5 bighas of land was exempted from vestment as the same was acquired by the state government for public purpose. Both types of the aforesaid land are exempted. The land owner was allowed 162 bighas (30 acres) as permissible area. He has a major son who held in his name an area of 64.17 bighas and an area of 97.17 bighas was retained for this major son to make up his permissible area as 162 bighas (30 acres). Thus, the land owner got only two units. One for him and the other for his major son. The entire land retained as permissible area and the surplus area is dry land. There is no land under assured irrigation.

The surplus area surrendered to government too is barren land not fit for cultivation. This excludes one forest regarding which the land owner has gone in appeal against the order of HP High Court. The HP High Court had held that this forest also vests in the government.

The amount payable to the land owner for vestment of the land in the government was assessed by the collector at Rs. 56,000. The waste land was treated as banjar land. The HP Land Revenue Act in such cases permits special assessment of land revenue in view of section 53 of the Act and the assessment was done afresh to form the basis of assessment of the amount due to the land owner for the surplus area.

One of the progressive features of the Ceiling Act is that no amount is to be paid for trees standing on the land, and the trees go with the land. This land owner's land contains patches of forest area also.

Some other land owners of HP have gone up in writ petition before the Supreme Court contending that the forest could not be taken over under the Act the aim of which is to vest agricultural land in the government to be distributed among the landless persons. The forest areas to be taken over by the government are to remain as forest and, therefore, is not in furtherance of the cause of land reforms. The implementation of the Act coincided with the 20-point economic programme (implemented during 1975). Surplus land had to be found out for allotment to the landless persons. This could be done only with quick disposal of ceiling cases according to a time-bound programme. For the land reforms work including implementation of land ceiling, the state government got funds from the central government. It was the first to have given land to the landless and it abolished intermediaries on land earlier than other states.

The following were some of the bottlenecks in completing the entire work earlier:

- (i) Some cases were involved in litigation in courts of law.

- (ii) In some areas of the pradesh comprising the territories of erstwhile princely states, there were a bewildering variety of land tenures which made cases complicated.
- (iii) In some areas, land settlements were very old and due for revision. The records had to be updated.
- (iv) In some other areas, proper land records were lacking and the same had to be prepared afresh by special revision of records involving land measurements and reassessment of land revenue.
- (v) To implement the work according to a time bound programme the powers of the collector under the Act had to be delegated. Some officers due to inexperience, took longer time to decide the cases.

It is relevant to quote an editorial with the caption 'The Final Ceiling Package' in an issue of the *Statesman* during July 1972:

While the proposed legislation is an advance on past legislation insofar as many of the well known loopholes of the past have been plugged, and the family rather than the individual is the unit for ceiling, it would be foolish to expect any radical or large-scale redistribution of land to result from this final package worked out after such a large investment of political energy. Since the cart has been firmly put before the horse, the absence of land records will ensure poor implementation.

Where land records exist, they will be tampered with. Where they are not tampered with, the administrative machinery required for redistribution will be found lacking. Where the laws are actually enforced, the land released is unlikely to be very sizable.

The implementation of land ceiling in the state has been useful in another important way. The land records have been updated. In the princely states as the one to which this case relates only the cultivated area was measured in the last settlement and with respect to waste land, though boun-

daries were shown with respect to certain lands, the area was not worked out. This was meant to save time so as to complete the settlement in lesser time as the state was keen only to complete the record of such areas alone which could fetch land revenue. The showing of boundaries in the field map ensured delimitation of the extent of government, private and shamlat land (village common land).

To retard land reforms, the land owners have been taking the battle against the progressive legislations enacted by government to the courts of law. The HP Ceiling on Land Holdings Act has been included in the ninth schedule of the Constitution of India which makes it immune from attack on the grounds that its provisions are violative of fundamental rights. Article 31(c) was included in the constitution to save the declarations in a legislation to the effect that the same were enacted for giving effect to the policy of the state towards securing the principles specified in clauses (b) and (c) of Article 39 of the Constitution of India. The 42nd amendment made the land reform laws nonjusticiable. These constitutional amendments have, to a large measure, stemmed the tide of litigation. But still the landowners here and there are fighting the last ditch battle in the courts. By and large, the legislative and constitutional steps taken by the government have ensured the effective implementation of the land ceiling laws.

The HP Ceiling Act provided a panacea for all ills from which the ceiling laws enacted hithertofore suffered. The affected land owners tried to evade the law by protracted litigation, which seemed unending. Now, even though the affected land owners approach the courts, they know the fate of their cases in view of the constitutional safeguards provided by the ninth schedule. Even if the courts come to the conclusion that the legislation is violative of the fundamental rights of the citizens there is a decisive veto of the ninth schedule.

The ceiling law of the state is most progressive. There is however a section of land owners which feels that it is an expropriatory legislation due to the low rate of the amount of compensation and the low land ceiling. The law has been

criticised on the score that there is no exemption regarding land of religious institutions, the temples and gurudwaras. The critics, however, are mostly those who draw inspiration from the land reform laws of the adjoining states of Punjab and Haryana, where the state governments have availed of the full dose of ceiling allowed in the guidelines of the Government of India including treating every adult son as a separate unit. Otherwise, the ceiling law of the state is very much in conformity with the national guidelines and fulfils the aspirations of the masses of the people.

The study would show that litigation, for which the land owner has the sources, was used as a weapon to delay the implementation of land ceilings. There were loopholes in law which were plugged as a result of experience gained.

The law was implemented by the district revenue agency which is already overburdened. It was a difficult job to reorient and educate the staff to the philosophy of land reforms and make them committed to it.

To implement a law in letter and spirit, the *patwari*, who is the custodian of the land records, has to be mentally transformed and attuned to the surging tide of land reforms otherwise, the government may propose and a *patwari* may dispose.

Inclusion of the land ceiling law in the ninth schedule is an epoch-making decision. But it is a matter of concern that the vested interests still frustrate the process by the view of the Supreme Court that the land reform laws are subject to judicial review notwithstanding the fact that the laws have been included in the ninth schedule. What is needed is to do away with this judicial review even. A case, once entertained on the plea of judicial review, takes years to decide, frustrating the protection of the ninth schedule. Thus, the protection shield has to be effective.

It will be apt to conclude with the observation of Justice Krishna Iyer in *Rameshwar and others vs. Jot Ram and others* in the *Punjab Law Journal*, 1975, p. 454:

Agrarian Reform Law affects a considerable number of people and to keep rights uncertain over a long stretch of

time till appeals and reviews and revisions and other processes are exhausted, is to inject unpredictability of results for it is quite on the cards that a landlord may die in the long course of litigation, or other events may happen at later stages beyond the trial court. Can rights of parties fluctuate with such uncertain contingencies? ☐

DEMAND FOR BONUS TO EMPLOYEES OF A STATE UNDERTAKING

H.M. SINGH

In a state transport undertaking organised as a government department the question was raised by the minister of introducing an incentive scheme for the traffic crew, in lieu of the bonus which the staff had been asking for a long time. Being a government department undertaking, the staff were not eligible for bonus. A scheme of *ex gratia* payment was in force but had no relationship to productivity. Nearly Rs. 22 lakhs had been disbursed in the previous year. It was felt that there had been leakages in collections and a new scheme could reduce the incidence of this to some extent. It was, however, realised that no scheme of incentives could be operated without proper supervision and prevention of pilferage and leakage.

The department at that time had about 250 express long distance buses and about 800 buses on the district routes. There were 194 schedules with 550 spells of duty on the express routes and 564 schedules with 1100 spells of duty on the district routes. Express and district services had different fare structures and occupancy rates. All the buses, whether on district or express routes, were running for a minimum of 16 hours per day requiring 2 sets of crews on all seven days in a week and the manpower deployed in the depots was about 10,000.

The staff of the undertaking was organised in different categories like traffic, mechanical, stores and administration. Even within traffic, the staff fell into categories of administrative and line and within the line staff there were categories of conductors who were on the counters and those who were inside the moving bus. Similarly, there were drivers

who were working inside the depot for parking and others who were on the line.

There was already a scheme of bonus for punctual attendance, but this did not produce the desired result of increased productivity. Mere attendance did not improve either collections or the maintenance of vehicles. This scheme could not be discontinued because it was in force for a long time. Therefore, note was taken of the outgo on this scheme while working out the availability of funds for other schemes.

It was also realised that any scheme for the traffic staff alone would not be satisfactory as other categories should also get an equitable share. Schemes were to be designed for each one of them on a more or less equitable basis though the norms for each one's output would vary. The original suggestion was given in the third week of February with April as the deadline for the introduction of the scheme.

Different routes have different potentials. Some run full, others run empty and yet cannot be discontinued because of the social obligation to provide services to the public even in remote areas.

On introduction of new routes, or on augmentation of buses on existing overcrowded routes, collections take time to reach the potential. Also this leads to lesser collections on existing routes.

This study confines itself to the collection bonus for the traffic staff and the booking clerks.

FIRST SCHEME

The first proposal was to have a straight collection bonus on each route; datum line was to be 65 per cent of the possible collections and any collections above this would qualify for the bonus.

Merits

The merits of the scheme were: its utter simplicity; it was easy to operate; it was very easy to understand; it required no elaborate preparation and, it was readily acceptable to the government.

Drawbacks

It was felt by the head of the department that the scheme would have the following drawbacks:

- (i) Unwarranted benefits to certain groups as staff on congested routes would automatically get bonus without putting any extra effort of their own.
- (ii) It would confer benefits to the crew unrelated to their inputs of work. The quantum of bonus on high density routes would be more with relatively low inputs from the crew and less on promotional or need felt routes where the work inputs may be much more.
- (iii) It would demoralise some sections of the crew who perforce have to work on unremunerative, but nevertheless necessary, promotional routes.
- (iv) The staff would resist augmenting crowded routes since it would mean diminution of their incentive money.
- (v) There would be resistance to opening new routes, because new routes take time to build up.
- (vi) The crew would also resist serving new far flung sparsely populated areas where services may be required as a social need but which may not bring full revenues to begin with.
- (vii) There would be administrative difficulties in posting crews to less remunerative routes. This may even lead to large scale absenteeism.
- (viii) It would also lead to the use by members of the crew of all types of pressures and expedients to get postings on lucrative routes.

SECOND SCHEME

In this alternative the first scheme with modification of datum line as of the previous month instead of 65 per cent occupancy ratio was then considered. It obviated most of the objections of the first scheme but still had the following drawbacks:

- (i) Traffic is conditioned by season, weather conditions,

fairs, festivals, auspicious times and a host of other considerations.

- (ii) The early morning and the night services, though essential to public needs, are not exactly money spinners.

Further refinements of the above schemes were then discussed.

Straight average occupancy norm even of the previous year was not considered desirable since traffic varies from month to month, day to day and shift to shift in response to weather conditions, seasonal variations, fairs and festivals, auspicious timings for travel, etc.

The department really wanted to reward the members of the crew commensurate with their inputs and yet retain the flexibility of rendering public service by: (i) opening need based new routes; (ii) augmenting congested routes; (iii) running services at times when the traffic may be light but essential from the point of view of public need; and (iv) providing transport facilities to remote inaccessible areas.

THIRD SCHEME

The scheme was to take the collection of the previous year for the same day and for the same shift as the datum line. These collections were to be updated with fare revision wherever it had taken place.

Merits

- (i) It met most of the objectives which the department had in mind.
- (ii) It sought to reward the worker for his real input.
- (iii) It sought to neutralise extraneous factors like fare increase.
- (iv) It neutralised extraneous factors like timing, season, etc.

Demerits

- (i) It required a lot of preparatory work and precise linking up of the previous year's records for that

particular service.

- (ii) It called for intensive work in the shape of writing the previous year's collection on the way bill before the same could be issued to the line crew.
- (iii) The calculations for bonus were to be worked out on the excess collections alone and these called for higher skills from the ministerial staff.

However, it was felt that notwithstanding the complexity of the scheme, the same may be adopted to achieve the goals of an incentive bonus linked to productivity.

During the discussions and evolution of the scheme, it was decided that augmentation would be resorted to wherever the existing routes showed more than 65 per cent occupancy.

It was also taken note of that the fares had been revised during the intervening period and, therefore, the previous year's collection was to be updated in the same proportion as the fare revision.

On the suggestion of the traffic department, a scheme for the booking clerks at the advance booking counters at different places had to be devised so as to ensure that these persons also performed their role.

Collection Bonus: Collections of the previous year, updated by fare revision, were accepted as the norm and only the excess collection was to be apportioned. The original idea was to give 10 per cent to the conductor but later on the government decided to give only 5 per cent to the conductor. This indication was given on March 10.

The four regional officers were asked to collect the data on the existing routes in the format prescribed. The headquarters office was asked to work out the staff requirements, the financial implications and the final format of the various proposals.

In the discussions on the scheme it was brought out that the driver has a dual role to play. He was an integral part of the line crew in ensuring that the vehicle ran trouble and accident free, that punctuality was maintained and that passengers were picked up from the appropriate stops.

The technical department suggested the second role of the driver as the spearhead of the mechanical maintenance

front. It was explained that the driver was an important part of the maintenance crew because his driving habits made a vital difference to the wear and tear of the tyres, brakes, clutch, etc., in other words, to the maintenance of the bus and to the avoidance of accidents.

The point about equality between the driver and the conductor was raised again and again and also during discussions with the unions. While conductors had better avenues of promotion, the drivers were at a dead end with only few promotional avenues.

Giving them equality of collection bonus with the conductors would have satisfied their demands straightaway. On the other hand, the department wanted the drivers to be part of the maintenance set-up as well. The drivers had been identified as a critical factor for preventive maintenance.

The drivers were quite willing to enjoy the share of the bonus on the technical side as well.

However, if both bonuses were given to the drivers in full, it would have displeased the majority of the traffic crew along with the maintenance crew and would have given an inequitable, disproportionate share to the drivers. Therefore, it was decided that drivers should share half the rate of collection bonus with the conductors and half with the maintenance staff.

After the initial suggestion in February, the office staff gave shape to the scheme in the first instance on February 21. The draft outline was sent to regional joint directors for their comments. It was also put forward to the finance, administrative and technical heads in the head office. Their comments and views were obtained and the scheme was sent to government on March 20. The scheme consisted of:

- (a) incentive bonus collection for the traffic crew;
- (b) collection incentives for the booking clerks;
- (c) performance bonus for kilometric efficiency; and
- (d) bonus for the outturn for maintenance, repair, accident repairs and annual overhaul.

It was made clear to the government that after it has sanctioned the scheme, it would require a fortnight for the

scheme to be introduced. The minister wanted the scheme to be introduced from mid-April which happened to be the local new year day.

The scheme was discussed with the minister on April 6.

While considering the scheme at the initial stage itself government indicated that the work of the scheme at the headquarters could be done on the computers run by the data centre of the state government. Accordingly, a meeting was organised with the director of the data centre which was attended by the office administrator and the technical and financial heads at the headquarters. The data centre agreed to punch the information directly from the way bills provided certain modifications were carried out in the way bill. The same were accepted by the department. The administrative staff required at the headquarters was reduced, while adequate staff for working the scheme at the computer centre was agreed to by the government. The next round of discussions took place at one of the regional centres where the views of the field staff and the labour unions were taken into account. A number of operational details brought out by the field staff were incorporated.

The scheme called for an administrative effort to have the data on the collections of each route, buswise, shiftwise, to be collected a month in advance and to update the same according to the revision of fare and to incorporate the same on way bills to be issued to the conductor before the start of the journey so that he would know the basis from which he was to operate and at the end of the duty, he would know the incentive he had earned. A similar exercise was to be done for the counter staff of the advance booking offices.

Also, each day's completed way bills had to be sent to the data centre for working out incentives. It was the intention of the department to put the amount of bonus earned by individual persons at the end of each month on display on the notice board. The actual disbursement of the bonus was to take place once a year on the eve of Deepavali.

It was realised and accepted that the scheme had no chance of success unless the workers and the labour unions participated in the same. Whole-hearted consultations were held with them and a pamphlet in two local languages was

brought out to facilitate greater understanding by the staff. The pamphlet was titled 'You and the Bonus'. It was published in two local languages because the staff belonged to these two different language groups.

The financial advantage of the scheme was that there was to be no outgo if the collections did not go up. With the fare revision, collections had actually started going down. It was, therefore, expected that the collection incentive scheme would not only put an end to the downtrend but it would improve the collections as well.

Government readily agreed to the scheme since it was replacing an ad hoc scheme where outgo was certain but the income was not. In the new scheme, the cost was totally self-financed.

The format of the pamphlet was finalised by April 26. However, the printed pamphlets were sent for distribution to the crew only on May 10 although the scheme had come into force from May 1.

The scheme was introduced on an experimental basis for one year. The formal sanction of the government for the introduction of the scheme came in July 1971 but the staff for the depots to prepare way bills for the data centre came only in November. Consequently, the monthly results could not be displayed on the notice board nor could the way bills carry the norms in time.

After the scheme was introduced on May 1, the monitoring system was evolved. All the nine depots were asked to give their reports of monthly collections but these were not given regularly because of lack of staff.

For the first five months, the results were put on the notice board. Though each way bill did not carry the datum, the collection data of the previous year's results were exhibited. After the fifth month, the machinery came to a grinding halt for want of staff and when the staff did get sanctioned in November, the results were not published thereafter till the annual disbursements.

The field officers also suggested various corrections. One proposal was sent with regard to the apportioning of the incentive collection between crews of different depots for the long journeys. Another suggestion was that for through

journeys which cover more than one spell of duty, the collection should be split up between the sectors. But the major proposal of giving norms on the way bills and the results of the collection scheme at the end of each month remained unimplemented till additional staff was sanctioned.

Until November, therefore, this portion of the scheme which was vital did not get implemented. The figures of datum line collections for the month of May which ought to have been printed on each way bill before it was issued could at best be put on the notice board only.

The first tentative bonus figures for the staff were worked out for May and June but after that the work fell into arrears and the statements which ought to have been sent to the Central Budget Data Processing Centre did not go in time. The data centre also took a lot of time and could not process the papers because of defects in the basic documents. The net result of this was that the worker instead of knowing his incentive on the date of his work as envisaged in the scheme, came to know of this only at the end of the year.

The staff found it difficult to understand the elaborate procedure; the unions which had not been associated with the scheme in the beginning during its formative stage did not back it up when there were delays in the announcement of the results and demanded the simpler *ad hoc* scheme.

Most probably, the union leaders spent more time on their trade union activities and less on their work duties and so they found no monetary incentive for themselves in the new scheme and therefore, they preferred a simpler scheme which was not tied in with individual productivity.

The total collections of the department went up to Rs. 12.19 crores against less than 10 crores in the previous year even after adjusting for the fare increase. The individual earnings of the members varied from zero to ninety rupees per month; while 85 per cent of the people earned up to 45 rupees a month, the remaining 15 per cent earned between 45 and 90 rupees.

Practically every one got more than the *ad hoc* bonus of 8.33 per cent which had been in vogue prior to the new scheme. The total bonus distributed just to the traffic staff was 16.07 lakhs as against Rs. 22 lakhs distributed to the

entire staff of the department during the previous year. The traffic staff normally constituted one-third of the strength of the total staff.

The director who had initiated the proposal got transferred in November. Subsequently, in May 1973, the scheme was given up in favour of the simpler form of collection bonus based on daily collection. ☐

LAW AND ORDER SITUATION

K.C.S. ACHARYA

INTRODUCTION

Rewa, now a commissioner's division in Madhya Pradesh comprising four districts, was formerly a princely state. The agricultural economy is very backward; the rural peasantry and landless people of this region are poorer than the poor in neighbouring districts. Tradition, custom and blind faith grip the people completely. Exploitation in every form is rampant. Caste distinction between the Thakurs and Brahmins is very sharp and marked by hostility and animosity. To till the land by holding the plough is a taboo for both, and they both do absentee cultivation, pursuing their animosities in the spare time which they have in ample measure. Obscurantism would be a perfect word to describe the situation.

During the freedom movement, opposition to the ruler provided a common meeting point for both the Brahmins and Thakurs, but internally they carried on their feud. PSP—an earlier splinter group of Congress ideology but now more inclined to the left and socialists of Lohia thought to dominate in political thinking and activity. Dissent and non-cooperation with the government of the day are the usual avenues of political expression.

PART I

In May 1977 elections, a majority of the anti-Congress groups which consisted of socialists, BLD and the so-called independents got elected to the state assembly from Rewa. In the newly elected legislative assembly there were three particularly prominent personalities—Mr. P.L.M. and Mr. C.M.T.

of the Janata Party and Mr. A.S. of Congress (I) who had been a minister in the previous government. Neither of the first two had been included in the cabinet, and this heightened their sourness and antipathy to the government. From the very first assembly session, these gentlemen started making their anti-government stand known openly, criticising every act of the government on the floor of the House and blaming it for everything. C.M.T. was more vocal, vociferous and sharp than P.L.M. However, there was no love lost between these two and each one tried to project himself as a more influential leader than the other. P.L.M. was closer to the Thakur group which patronised him in many ways. In the general public eye, and more so with C.M.T., the Thakur group represented the old feudal order which was against any change or reform and which perpetrated exploitation.

There is practically no Jan Sangh base in Rewa and hence the chief minister who belongs to this party did not find many supporters or public men in whom he could repose confidence. Gradually P.L.M. found a sympathetic reception with the chief minister who showed him consideration and obliged him by acceding to his various requests of transfer/posting of certain officials, sanctioning small works and by showing him favour generally. Simultaneously, the hostility of C.M.T. towards the chief minister grew.

In the last few days of 1977 a minor quarrel between young boys of the Thakur and Brahmin communities took place in the market. The Thakur group led by the son of a very high caste Thakur who was for long the private secretary to the maharaja, caught hold of the leader of the other group in broad daylight, put him in a vehicle and drove away. Soon the police were informed and a chase began. Finally, the whole party was caught, 15 miles away from Rewa in a jungle. The police arrested everybody and to their surprise found in the vehicle a couple of guns one of which bore marks of Chinese make. No licences could be produced by the Thakurs. The party was back in Rewa around midnight on December 31.

The parents of the Thakur boys, accompanied by P.L.M., reached the kotwali and met the police officers and requested

their release on bail. Police refused, saying that the offences were serious and that they should approach the court.

So on New Year's Day 1978, these young men were marched through the town to the court and produced before the judicial magistrate. The parents engaged lawyers and prayed for bail. Police opposed the prayer and asked for police remand for investigation. The court granted police remand.

This caused great sensation in the town. Mr. P.L.M. made it known that he will see to it that the senior police officers were transferred out of Rewa at once. He started vilifying them on all kinds of grounds. Police, on the other hand, had a suspicion that P.L.M. was in league with gamblers and smugglers.

So far C.M.T. took no interest in these developments. Some time in the first week of February, 1978, chief minister visited Raipur where he addressed a press conference. During the conversation, the journalists drew chief minister's attention to the reported comment made by C.M.T. earlier on the appointment and allocation of portfolios to the parliamentary secretaries characterising it as contrary to the instructions of the high command and asked for his views on it. Chief minister said that he does not take that comment seriously because C.M.T. is habituated to making such unfounded comments.

On February 11, chief minister was to visit Rewa on his first one day visit to the divisional headquarters. A detailed minute to minute programme was drawn up and elaborate arrangements were made. Both P.L.M. and C.M.T. were in the reception committee and so was Mr. Ghanshyam Singh (advocate and CPI leader, in alliance with Congress). They were duly present at the airstrip to welcome the chief minister. After the airport welcome, the motorcade, for which a definite order had been laid down, started on its 8 km. journey to the circuit house. On the way, a number of welcome arches had been erected and men, women and children had assembled to welcome the VIP. When the Rewa town was a little over 2 km. away and the procession had halted at a welcome point, one jeep was seen suddenly breaking away from the convoy and speeding away to the town. Not much

attention was paid to it, nor was it pursued.

The convoy entered the town and there was a big welcome for the chief minister. Arches after arches announced the people's enthusiasm and goodwill. On the other side of the town, there is first a cluster of educational institutions—high schools, colleges, etc., and then government institutions and the bungalows of senior officers and finally the circuit house. A couple of CPI workers who had earlier been student leaders, and some of C.M.T.'s supporters had got down from the jeep that had broken away from the convoy and had fanned out in the educational institutions and rung the gong signalling to the students that the classes were over. Presently, the students came out of their classes and they were told to come out on the road and assemble at a point from where the VIP's car was shortly to pass. Somehow, the timing of this action was in error by a minute or two with the result that by the time the students could gather at the roadside, the VIP car had already passed. The entourage following the chief minister saw the crowd shouting derogatory slogans.

The organisers of this demonstration felt a little frustrated because they missed the chief minister's car and so they decided to organise a demonstration at the circuit house.

After the chief minister reached the circuit house the programme of meeting the MPs, MLAs, MLCs, officials, etc., started. Just when it was midway, the superintendent of police came and reported to the collector that about 500 students had gathered at the gate of the circuit house and wanted to meet the chief minister. After some consultation, it was decided that a small delegation of their representatives—say 8 to 10—may be brought inside the circuit house where chief minister would meet them. The students rejected this suggestion and said that either all of them should be taken in or the chief minister should come and meet them at the gate.

While the chief minister was in conference with the members of parliament and MLAs, one of the local ministers and a couple of other local leaders were seen privately discussing something with the chief minister. The next development that the collector and commissioner noticed was that the chief minister accompanied by the local minister and his

personal bodyguard was going towards the gate where the crowd was gathered. The collector and commissioner followed. The crowd was absolutely unmanageable; the boys had climbed the trees, the iron gate and also the boundary pillars. The chief minister, the local minister and the officials were on this side of the gate, while the crowd was on the other and in between the police was holding the gate closed. The local minister addressed the students saying that chief minister had come and that they may say whatever they want to. The students yelled 'chief minister go back' and shouted highly derogatory slogans against the chief minister. There was utter confusion. Presently there was a push and the gate half-opened. Almost at the same time, a shoe was thrown at the VIP (it did not hit him) and then a couple of brick-bats.

Then the following events happened—the police somehow managed to push back the gate and close it, chief minister and party turned back and the police cane-charged the crowd. The crowd melted away in about five minutes. An order under Section 144 Cr. P.C. was pronounced on the police loudspeaker. Ring leaders were arrested and cases were registered against them.

On February 13, there was great commotion in the student world and a large number of them collected in the extensive playgrounds of the Science College. The mood was to defy Section 144 and to have a showdown with the administration. The collector, unaccompanied by any police force and all by himself, entered the college compound, mixed with the crowd of students and talked them out of their plan of action. By his behaviour which showed great moral courage and fortitude, the collector prevented any ugly incident from taking place.

As usual, there were bouquets and brick-bats for the police. Both P.L.M. and C.M.T. condemned the police for using force and beating up the boys and demanded a judicial enquiry. P.L.M. was extremely critical of the SP and some of the subordinate police officers and asked for their immediate shifting. C.M.T. demanded a judicial enquiry and asked for the release of the arrested boys.

Mr. A.S. who was the Congress MLA and leader of the opposition, also jumped into the fray, condemned the police

action, pressed for the judicial enquiry, and for the withdrawal of the order under Section 144 Cr. P.C. and for the release of the arrested students.

Mr. Ghanshyam Singh, the CPI leader joined hands with Mr. A.S. in threatening Rewa Bandh, if a judicial enquiry was not ordered and the boys were not released. The local administration, however, stood firm and the chief minister made a statement in the assembly that no judicial enquiry would be ordered.

Eventually, the situation became peaceful and the prohibitory order under Section 144 Cr. P.C. was withdrawn.

Subsequently, during investigations, it was discovered that C.M.T. had reacted sharply to chief minister's press statement at Raipur by saying that whenever the chief minister thinks of visiting Rewa, he should be prepared for a real hot reception. When chief minister's visit on February 11 was announced, C.M.T. and Mr. Ghanshyam Singh convened a secret meeting of the Brahmin group students and decided upon a black flag demonstration, hurling of a shoe on the chief minister and disruption of his programme. The intelligence inspector of the police knew about this plan, but did not pass on the information to the SP or the collector. This inspector was a Brahmin, a resident of the town and had been in the district for over four years.

PART II

In the student community of Rewa, the same political shades and divisions were reflected—the Thakur group and the Brahmin group. The union elections were fought on these platforms and the political personalities outside lent support to the groups according to their leanings. The union president and his committee at the time of these events belonged to the Thakur group and they condemned the behaviour of those students who demonstrated against the chief minister.

The student leader of the Brahmin group who lost the union elections raised a demand in the second half of March 1978 (a month after the above incident) that because the academic session had started late (in October instead of July,

1977 as the examinations which should have been held in March-April, 1977 were actually held in June-July 1977) so the examinations must be postponed. In the initial stages (up to the first week of April) they kept up the dialogue with the VC and other university authorities but they gave various kinds of threats.

While this was happening, Jabalpur University announced the postponement of examinations to June. Raipur University had done a shade better six months earlier, *i.e.*, in October 1977, it had announced that examinations would be held in July.

The academic world was on the brink of considerable disruption. Earlier, in the last week of March, the Governor, in his capacity as the chancellor of the universities, had called a meeting of the VCs at Bhopal to discuss the question of holding examinations on time. This meeting was attended by the chief minister also who suggested that the calendar of university activities which was already totally disrupted must be restored and for that it was essential that the examinations were held in April-May and the results declared by the first week of July so that the next session could start by mid-July. All the VCs concurred in this except, of course, the VCs of the universities of Raipur and Jabalpur since they had already announced postponements.

In pursuance of the decisions taken at this meeting, the VC of Rewa University announced the commencement of examinations for all post-graduate and graduate classes from May 1.

On April 9, reports appeared in the newspapers that Vikram University, Ujjain (where also the students had been agitating for postponement) had decided to postpone the examinations. This news, coming in the wake of the VCs conference held in March, emboldened the section of the students who were clamouring for postponement. They intensified the agitation and kept up the pressure on the VC.

While this agitation was being carried on by a section of students (this was the non-official group outside the union), the Thakur dominated unions of the university as well as of

the Science College approached the VC and suggested a slight adjustment in the examination schedule particularly for the post-graduate students whose practical work in subjects like physics and chemistry had not been completed on time. The VC shifted the post-graduate examinations from May 1 to May 12 but kept the date of the degree examinations unchanged.

This change acted as fuel to the fire of the agitationists who thought that the VC was acting under the influence of the Thakur group. The agitationists gave a call for 'Rewa Bandh' on April 11. Throughout this agitation, the collector, who was very alert and extremely popular with the people, had maintained contacts with them. He felt that the agitationists could, if given a face saving device, call off the agitation and accordingly, in one of the discussions he assured them that if it would satisfy them, he would use his goodwill with the VC for securing a small postponement of the degree examinations as had been done by the university in the case of the post-graduate examinations. But he laid a condition, namely, that the call for 'Rewa Bandh' should be withdrawn. This assurance had been given by the collector entirely on his own without consulting anybody.

The agitationists did not withdraw the call for the 'Rewa Bandh', with the result that the collector announced that he was relieved of the moral commitment that he had made to them. Eventually, the Bandh did not prove a success at all, thanks to the elaborate arrangements made by the district administration.

During all these days the students kept up the pressure on the VC, prevented other students from attending classes and took processions to the residence of the VC where they shouted all kinds of slogans. A batch of students sat outside the VC's house on hunger strike and every time the VC or his family members came out or went in they would shout all kinds of indecent slogans. As time passed, the number of processionists gradually swelled and there were indications of violence breaking out. A police guard was posted at the VC's house and also at the bungalows of the district officials.

The agitationists intensified their activities. Every evening they would hold a meeting in the Padmadhar Park

(named after a local student who was killed in Allahabad during the 1942 movement) situated in the heart of the town and from there they would form themselves into a procession, march to the VC's house, stay there for a couple of hours, and then disperse.

On April 12, they forcibly entered the drawing room of the VC, forced him to book a trunk call to the Chancellor and to recommend to him that postponement of the examination was necessary. The Governor said that he would convey his decision the next day. On the persuasion of the ADM and the police officers who were present throughout, the students moved out and informed their companions of the telephonic conversation and warned the VC that ten times more students would come on the next day (13th) and that he should announce the postponement of the examination failing which there would be very grave consequences. They dispersed around 10 p.m.

Later that night reports came in, that next morning, four or five groups of students would go round the town exhorting people to support 'Rewa Bandh' and to close shops and business establishments. The public meeting was fixed for 5 p.m. after which they were to go to the VC's house for a final showdown.

Next morning the union president and his followers met the collector and said that they were not in favour of postponement of examinations but in the face of the mounting agitation by the other group and lest they should alienate the goodwill of the student community, they could no longer be silent spectators of the situation and that they would be under compulsion to join the procession in the evening. At the same time, they gave assurance of good behaviour and expressed their desire to have the goodwill of the administration.

The need of the hour was carefully planned swift action. At 2.30 p.m. on April 13, the commissioner called the DIG, police, the DM and the SP at his bungalow for a conference to decide on the line of action to be taken. The commissioner thought that the time was just opportune for taking preemptive action in the form of promulgating an order under Section 144 Cr. P.C., banning public meetings and

processions and, if necessary, arresting the ring leaders. He argued that this was the only way to prevent lawlessness and probable violence and to restore the morale of the university authorities which had sagged low by this time and to ensure fulfilment of the Chief Minister's directives that the examination be held at fixed time in May. The DIG thought that this would provoke the students and that blame would come on the district authorities. He advised no such action; instead, he suggested that they should watch and wait. While the DM was inclined to agree with the DIG, the SP agreed with the commissioner's line. Finally, the commissioner's view was accepted.

By 4.00 p.m. an order under Section 144 Cr. P.C. was promulgated prohibiting the taking out of processions, assembly of 5 or more persons and carrying of weapons, etc. At 5.00 p.m. the ring leaders who assembled at the Padmadhar Park were arrested. There was no untoward activity that day.

The next day, colleges assembled peacefully (the college campuses were excluded from the order u/s 144 Cr. P.C.) but around 11 a.m., a group of about 250 students came out on the road shouting anti-VC slogans. The ring leaders were promptly arrested and taken to the police station. Some more students offered arrests, and they too were lodged in jail. Altogether, over 300 students were arrested.

By the last week of April, the agitation completely died down and examinations commenced as scheduled.

The university and the jail authorities were asked to make arrangements for holding the examination for the detainees in the jail. Simultaneously, parents and teachers were sent to meet the boys in jail and to persuade them to see reason and not to spoil their careers. As a result of these efforts, nearly 280 students tendered a written apology and they were released. They all appeared in the examination.

QUESTIONS/POINTS FOR ANALYSIS

PART I

1. The socialist MLA—a constituent of Janata party—and the CPI leader joined hands in engineering the trouble

- against the leader of the ruling party. Why?
2. Even though P.L.M. and C.M.T. were both Brahmins, in this particular event this bond of kinship did not prove sufficiently strong and P.L.M. did not support C.M.T. Why?
 3. Why did the intelligence inspector hold back the information about the black-flag demonstration from his superiors?
 4. Even though the Thakur group was at no time near this incident, why did the leader of the opposition (a Thakur) condemn police action and indirectly lend support to C.M.T?
 5. Was the Chief Minister right in agreeing to go to the crowd at the gate and talking to them? Was he right in accepting the local minister's advice, and in not consulting the district authorities?
 6. Was there any failure on the part of district administration in taking preventive action so as to avoid the ugly situation (black flag demonstration) and the ultimate use of force? Should the black flag demonstration have been permitted as a legitimate expression of dissent? Dissent for what?

PART II

1. Did the agitation for postponing examinations have any relationship with the earlier incident? If yes, what was the nature of the relationship?
2. Why did the Thakur dominated union first keep aloof and then why did it subsequently jump into the fray?
3. Were the authorities right in handling the situation in the manner they did? Why were different approaches suggested by the two divisional officers, namely, the commissioner and the DIG? Who was right and why?
4. What was the role of the university authorities in this agitation? Was the agitation purely a law and order problem?
5. Why did the VC shift the post graduate examinations by 12 days at the behest of the Thakur-dominated union leaders? Did he not realise that this action on his part would be misconstrued?

6. Why did the collector give an assurance on his own without consulting anybody, and particularly, when the chancellor as well as the Chief Minister were firm on the conduct of examinations on time? Was he right in concluding that the VC had compromised his position by shifting the post-graduate examinations by 12 days, and that there was no harm in satisfying the agitationists by similarly shifting the degree examinations? ☐

LOCATION OF A PELLETISATION PLANT

R. NARAYANASWAMI

This case study concerns the establishment of a pelletisation plant in the village of Chandgad in the year 1977-78 in Panhala taluka of the state, which we shall refer to as the state of Khandala. The matter relates to a five-month period between October 1977 and March 1978, when a situation arose in Chandgad with ramifications over a wide spectrum of issues such as law and order, local politics, centre-state politics, the machinations of a big industrialist, the role of the Steel Authority of India Ltd., apprehensions of the pollution of good agricultural land, and the exploitation of this issue by interested politicians.

Chandgad village was one of the larger villages of Khandala having a population of about 12,000 people and was part of an assembly constituency of the same name. For over 15 years, Chandgad constituency had been represented in the Khandala Assembly by MLAs from an influential regional party called the Khandala Conference. The Khandala Conference was the ruling party of Khandala at that time. Also, Khandala was then one of the very few states in the country to be governed by a party other than the central ruling party.

Khandala is well known for its flourishing iron-ore industry. The Khandala mining industry had grown by leaps and bounds between the 1950s and the 1970s. However, this was not due to government patronage and sponsorship but rather a result of the pioneering zeal of some local private entrepreneurs. Foremost amongst these pioneers was Mr. B.K. Godbole. Reputed to be a self-made man who had at

NOTE: In this case study, some fictitious nomenclatures have been used. Also, the actual dates have been disguised.

one time worked as a daily-wage labourer carrying loads on his back, Godbole ran his enterprises more efficiently than his other contemporaries in the mining business and laid comparatively greater stress on good management through executives. The mining industry of Khandala essentially depended on the export of iron-ore, chiefly to Japan. M/s Godbole & Co. alongwith other local exporters directly executed export contracts with Japanese buyers and did not go through the MMTC as was the case with exports from other parts of India. Further, apart from mining and exporting iron-ore, M/s Godbole & Co. also had special contractual obligations for the manufacture of pellets in accordance with the specifications (9 millimetre diameter) laid down by certain importing Japanese firms. Having developed sufficient expertise in the field, M/s Godbole & Co. had for some time now been seeking to set up a pelletisation plant in Khandala in the joint sector in collaboration with the Steel Authority of India Ltd., employing improved processes.

The Union Ministry of Steel had approved the scheme to set up a pelletisation plant in the joint sector in Khandala some time towards the end of 1976. The choice of the site was left to the state government. The latter had initially proposed a site near Janjira Port for the purpose. The choice was motivated by considerations of proximity to the loading points at the harbour, thereby economising on transportation costs which would be a factor to be reckoned with if the plant was located in the interior. This proposal of the Khandala Government made at the instance of the Godboles who preferred Janjira for obvious reasons, was opposed chiefly by the naval authorities at Janjira from the defence point of view. The chief civil administrator of Khandala also had his reservations, as it was thought undesirable to have yet another industrial establishment within a few miles of the harbour. Bowing to these objections, the Khandala Government proposed a site at Chandgad village, once again on the persuasion of the Godboles who had done the preliminary spade work involving arrangements for suitable land.

In anticipation of the Khandala Government's approval,

the Godboles had chosen a site less than half a kilometre from the Koyna canal which flows near Chandgad village. The land measuring about 12 acres, was good agricultural land and was tenanted till the time the Godboles arrived on the scene. Since the site was barely 20 metres from a creek flowing from the Koyna canal, the Godboles felt assured of facilities for the establishment of a barge loading dock, and immediately set about negotiating with the owner of the land for purchase, and soon enough had a sale deed executed. Separate affidavits were sworn by the three tenants on the land to the effect that they had received monetary compensation and that they had voluntarily renounced all rights to the land. All this was, of course, in total violation of the prescriptions of the then prevalent Khandala Agricultural Tenancy Act, which clearly provided for a statutory procedure to be followed in the event of a tenant wishing to voluntarily renounce his tenancy rights, under certain circumstances. This procedure, as laid down under Section 10 of the above mentioned Act required a tenant to apply in a prescribed form to the concerned taluka tehsildar in connection with voluntary renunciation of his rights.

Even after such voluntary renunciation had been made under law, the landlord did not automatically resume rights over the land free from encumbrances. Instead, it was open to the tehsildar under other statutory procedures, to arrange for the distribution of this land amongst landless cultivators. Seen in the light of these legal prescriptions designed to safeguard the security of tenure of the tenant cultivator, the sale transaction and tenant elimination through irregular renunciation of rights and the payment of monetary consideration more respectably referred to as 'compensation', was a seriously fraudulent practice.

Consequent to the Khandala Government agreeing in principle to the Chandgad site, the Ministry of Steel and the Steel Authority of India Ltd. were suitably informed. Already chafing at the delay in the establishment of the project, the Ministry of Steel expeditiously approved the choice of the site at Chandgad. On receipt of the Government of India approval, M/s Godbole & Co. sought permission to convert the use of the land from its classified agricultural

nature to one of industrial purpose. The Khandala Government referred the matter to the district collector of Khandala, who was the competent authority to grant permission for conversion to industrial land use under Section 32 of the Land Revenue Code. The collector of Khandala quite rightly pointed out that there were tenancy implications in the case, and that procedurally it would be necessary to exempt the land from the scope of the tenancy law by issue of a notification by government under Section 56(4) of the Tenancy Act.

The collector's reference was thereafter examined in the law department of the Khandala Government where possibly out of anxiety to expedite the case as a result of pressure from the Godboles on the one hand and to bail out the local government from the position of having to issue a rather unpopular notification exempting the operation of the Tenancy Act on good agricultural land on the other, a questionable legal opinion was tendered to the effect that since the Land Revenue Code was enacted after the Tenancy Act, certain provisions relating to conversion of agricultural land in the former would have the effect of superseding the sections of the Tenancy Act which protected the tenants' rights. On this basis, the collector of Khandala was informed that he was competent to proceed straightaway to grant permission to the applicants to convert the use of the agricultural land to one of industrial purpose.

The collector of Khandala once again examined the scope of the various sections of the two relevant statutes, *i.e.*, the Tenancy Act and the Land Revenue Code, in the context of the Law Department's opinion. While the collector sought to satisfy himself on the correctness of this opinion, since it was his responsibility in the ultimate analysis, to take a decision on the conversion issue, the representatives of M/s Godbole & Co. were frequent visitors to the collectorate in connection with the land conversion matter. The Godbole executives appeared to be intimately aware of the law department's opinion through their contacts in the secretariat. So when the collector's office began scrutinising the case in detail in the context of the legality or otherwise of the procedure that the collector had been advised to follow by the revenue department of the government on the basis of the law depart-

ment's opinion, it was seen by the Godbole representatives as an act designed to delay the matter. The senior executives of the Godboles and their legal advisers would alternate between the collectorate and the secretariat in their attempts to pressurise the collector. However, it may be mentioned to the credit of the officers of the revenue department as also the chief secretary, who were, along with members of the political executive, frequently contacted by the Godboles, not once was the collector's jurisdiction on the case interfered with, at this stage. After studying the case in depth, the collector once again made a reference to the revenue department of the government, taking care to endorse copies, amongst others, to the chief secretary as also to the secretary to the chief minister. Copies were endorsed to the latter in order to have an objective assessment of the facts of the case presented to the chief minister.

The collector in his reference to the revenue department laid stress on the spirit underlying the Tenancy Act, as also the purpose of the agricultural land conversion law in the Land Revenue Code. After emphasising the different safeguards under these laws it was pointed out to the government that they were empowered under Section 56 of the Tenancy Act, to grant exemption from the operation of the restrictive provisions of the Tenancy Law to agricultural land which was tenanted, under certain circumstances such as those requiring promotion of industry, educational and cultural causes. Failure to follow this procedure would create an unhealthy precedent which in the hands of irresponsible interpreters of law and vested interests, could result in irreparable damage to the none too abundant agricultural land in Khandala. The collector also modestly pointed out that if the law department's opinion was accepted without question, it would be tantamount to suggesting that the collector of Khandala had been vested with sweeping powers in the field of conversion of land use overriding the restrictive clauses of the Tenancy Act, which had been drafted precisely to ensure the security of tenure of the tenant. Such sweeping powers should not be vested in any officer and these should be within the exclusive reserved jurisdiction of the government alone. The collector further emphasised that this must

have been the intention of the legislature when these laws were framed.

The collector made his reference to the government in the first week of October, 1977. A few days later, he received a letter from the revenue department asking him to inquire into complaints from agriculturists at Chandgad to the effect that their lands were likely to be damaged if an industry like a pelletisation plant was established there. While the collector had been wrestling with the legal issues concerning agricultural land conversion, he had been aware of a steadily increasing build up of opposition to the location of the plant at Chandgad, by some persons from the area who had been genuinely concerned about possible pollution problems and their effect on other agricultural lands in the village. At this stage, the Khandala Centrist Party entered the scene. The Khandala Centrist Party which was the local unit of the central ruling party had been in political wilderness in Khandala ever since its inception till that time, and the party had made little headway in local politics. In fact, the Khandala electorate had for years expressed their preference for the regional Khandala Conference to the almost total exclusion of the Khandala Centrist Party. In the Legislative Assembly, the Khandala Centrist Party had no representation at all at that time. On the national plane, however, as ample testimony to the Khandala indifference to events outside Khandala, one of the MPs from the state was from the Khandala Centrist Party. Thus, even as the collector was considering the best possible means for conducting inquiries into the complaints of possible pollution referred to him by the revenue department, he became conscious of the likelihood of the pelletisation plant issue being politicised, though he could not have anticipated in October 1977, the difficult course that events would actually take during the next few months.

Since it seemed to the collector that the receipt of complaints from the residents of the Chandgad area regarding possible damage to agricultural land was a matter of public importance, particularly in the light of the wide publicity received by the pollution effects of the discharge of effluents from a fertiliser complex in the same territory some months

earlier, he decided to spend a day at Chandgad hearing the grievances and apprehensions of the agriculturists and other residents of the area. The collector accordingly notified the village panchayat office of his intention to hold a public hearing there on October 18, 1977, and further, that anyone wanting to have a say on the matter should be present at the panchayat office. On the appointed day before going to the panchayat office, the collector proceeded first to inspect the plant site selected by the Godboles. It was observed that the plot which had not been cultivated that year, was quite water-logged both as a result of rain water having collected and also due to saline water having flowed in due to a breach in a bund from an adjoining creek, the level of which was influenced by the tide in the nearby Koyna Canal. The Canal in turn was affected by the Hiranyakeshi and Dudhsagar rivers which swelled up at high tide due to the back flow from the sea about twenty miles away. The site was enclosed by bunds on three sides, two of which protected it from the creek and also a small stream, while on the third side, the bund marked the border between the site and a neighbouring field. This bund was treelined and had a three foot wide footpath on it. The fourth side was composed of a raised strip of land facing the main road from which an unsurfaced path led towards the treelined bund. The path was intersected by a second stream—actually back waters from the canal. To get to the treelined bund from the approach path, there was a short bund about twenty feet long with wooden sluice gates built in. The collector made some notes of the spot inspection and also drew a rough sketch of the site and then proceeded to the village panchayat office some distance away, accompanied by two of his revenue officers.

At the panchayat office, there was a large crowd awaiting the collector's arrival, which included the tehsildar of Panhala, the Chandgad MLA and the village sarpanch, who was himself a big landlord of the area. The procedure that the collector adopted during his public hearing was to put a set of questions to each member of the public who wanted to depose with regard to the issue of the location of the pelletisation plant at Chandgad, have the replies recorded and thereafter have the same signed by the deponent. The ques-

tions were broad in their scope and covered all the points in issue such as pollution, unemployment in the area, and other relevant matters. The first group of witnesses turned out to be strong supporters of the plant. These persons felt that no industry of the magnitude of the proposed pelletisation plant had been established anywhere in Panhala taluka, and Chandgad was fortunate to be considered. There were a large number of educated unemployed persons in the village, many of whom were obliged to seek employment far away from Chandgad. The establishment of the plant would therefore afford immense scope for these persons to find suitable employment right at their doorstep. It was further felt that with the erection of the plant there would be an increase in commercial activity and new shopping centres and small businesses would sprout. In short, the plant would serve as an economic growth centre for Chandgad and also for some of the smaller villages in the vicinity. Invariably, the collector ascertained and recorded the names, addresses and occupations of the deponents. It did not take him long to realise that these persons were mostly from non-agricultural families, with no stakes in cultivation whatsoever. Amongst them were school teachers, students, landlords with no direct investment in land, shopkeepers, self-styled social workers and the like.

After the first hour or so, the first of the agriculturists began to appear. Amongst the agriculturists, a pattern was discernible. The opposition to the plant was less, the greater the distance separating the deponent's plot from the plant site. This was understandable, as those whose cultivation sites were closer to the plant site apprehended damage to their plots. Those close to the plant site spoke of the possible discharge of toxic chemicals from the plant, which apart from damaging their agricultural fields, could also pollute drinking water wells in the area due to seepage. There was also an apprehension of poisonous fumes in the atmosphere giving rise to diseases like tuberculosis. What surprised the collector most was the awareness that some of these illiterate peasants seemed to have of the pollution problems caused by a fertiliser complex in the same territory some months earlier. Many of these agriculturists appeared to have been

tutored by interested parties to compare the present plant with the fertiliser complex. The collector's suspicions in this regard were strengthened, when during the course of the day, he happened to catch a glimpse of a prominent local Centrist Party leader moving amongst the crowds outside. The collector considered this to be an ominous sign, as it indicated that the local Centrist Party appeared to be anxious to reap political dividends out of an as yet unsubstantiated pollution complaint. This was because the competent technical authorities responsible for prescribing safeguards against pollution by industrial plants about to be established had expressed the view that the proposed pelletisation plant would not pose problems of pollution as in the case of the fertiliser complex earlier.

The collector conducted his hearings and finally towards the end recorded the views of the local MLA. The latter had observed the proceedings throughout the day and had keenly sampled the reactions of his constituents to the questions put to them. He chose his sentences carefully and spoke of safeguards that M/s Godbole & Co. should be compelled to introduce in their plant to prevent any pollution. Also, he mentioned the backwardness of Chandgad village and highlighted the unemployment problem and expressed the view that the Godboles should be directed to employ local persons in their plant as far as possible. Overall, the MLA expressed himself unambiguously in favour of the plant. The collector then returned to district headquarters and after making an analysis of the statements that he had recorded together with his own impressions he came to the conclusion that a majority of the residents of Chandgad favoured the erection of the pelletisation plant in their village, subject to conditions such as: (i) that safeguards against possible pollution be enforced; (ii) that M/s Godbole & Co. be required to give jobs to local persons in large numbers; and (iii) M/s Godbole & Co. should not be given any more land in addition to the area already permitted for the establishment of the plant and that no more tenants should be displaced.

The collector reported on these lines to the revenue secretary of the Khandala Government. From time to time, during this period, local Centrist Party leaders would also

drop in at the collector's office and informally talk about the proposed pelletisation plant. During these informal meetings, the collector took the opportunity to brief the local Centrist Party leaders on the findings of his inquiry at Chandgad and further to impress on them the important point that the pelletisation plant was not merely a Godbole enterprise but a joint stock company in which SAIL was a major shareholder, and the establishment of the plant at Chandgad had the approval of the Union Ministry of Steel.

During the month of November 1977 the local Centrist Party agitation gained momentum. The local Centrist Party workers fanned out amongst the agricultural families in Chandgad, and instigated them against the pelletisation plant's location. It was made to appear by them that the Godboles in collusion with the ruling Khandala Conference Government were out to exploit the villagers of Chandgad. Further, the Godbole land transaction involving the purchase of the plant site was itself questioned and it was alleged by the local Centrist Party that there were, in fact, as many as sixteen more tenants displaced and not just three, as claimed by the Godboles. A case was therefore being made out by the local Centrist Party agitators on four fronts:

- (a) that good agricultural land was about to be misused by the Godboles;
- (b) that there was a likelihood of damage to surrounding agricultural fields through pollution;
- (c) that a large number of tenants were being deprived of their lands and that the local government was misleading everyone into believing that there were only three tenants involved; and
- (d) that the ruling Khandala Conference Government was acting in collusion with the Godboles.

Even as these moves were being made by the local Centrist Party, the Khandala Government accepted the recommendation made by the collector in his reference that a notification under Section 56 of the Tenancy Act should be issued, exempting the plant site from the application of the provisions of the Tenancy Act. The government then

accordingly issued such a notification. After this, the matter was once again referred to the collector for giving permission to convert the use of agricultural land to one of industrial use. Since there were no objections from the planning department and the tenancy issue had been sorted out, the collector saw no further impediments in the way of granting the conversion permission and accordingly, issued an order to this effect.

The Godboles lost no time in taking further steps at the site in pursuance of the grant of land conversion permission. The first step to be taken was to ensure a proper approach road to the treelined bund capable of carrying heavy duty trucks. As already pointed out earlier in the case study while describing the plant site, the approach path from the main road leading to the treelined bund was intersected by a stream composed of back waters from the canal. The Godboles wanted to widen the approach path and also to reclaim some land submerged by the back waters. For this they were required to apply for grant of land under the Disposal of Government Land Rules, framed under the Land Revenue Code as applied to the land of the river bed. The Godboles did place such an application in the collector's office and simultaneously moved the local government to ask the collector to expedite the matter. The whole thing was done with avoidable haste without even permitting the collector's office enough time to get a spot inspection report from the tehsildar. A day after the receipt of the application the collector received intimation that a meeting had been convened in the secretariat that very day to discuss the matter. Since the collector wished to be accurately informed of developments at the site, he decided to make an unscheduled site inspection immediately on his own. On arrival at the site, he found that work to reclaim the submerged land was already in full swing, notwithstanding the fact that a formal grant of this land under the relevant rules was still to be made by the collector's office and that a meeting had been convened that very day at the secretariat precisely to discuss the manner in which this matter should be expedited. After carefully recording a site inspection note and directing the Godbole workers on the site to stop the reclamation of

submerged land till a proper order of grant was received by them, the collector proceeded to attend the scheduled meeting at the secretariat. At the meeting, much to the embarrassment of the Godbole executives, the collector pointed out to the chief secretary that their workers on site had already taken steps to reclaim the land even before a formal grant had been made. The chief secretary thereafter asked the Godbole representatives to refrain from taking steps in anticipation of formal sanction and orders of the government and to ensure that proper procedures were scrupulously followed. This incident is being cited to illustrate the Godbole tendency to try and short circuit the law at every stage.

Meanwhile, the local Centrist Party agitation began to gather momentum. Small batches of local Centrist Party workers began picketing at the pelletisation plant site at Chandgad. Initially, they contented themselves with holding placards and shouting slogans. In the first week of January, 1978, the collector received a telephone call one morning, that a large number of Centrist Party demonstrators had obstructed the dumpers of M/s Godbole & Co. and stones had been thrown at the vehicles. Some persons had also been arrested. The collector immediately contacted the concerned SDM and asked him to obtain more details of the incident from the tehsildar of Panhala. The SDM telephoned a little later to inform the collector about the details asked for and further mentioned that the tehsildar of Panhala had been asked to remain at Chandgad for the day on magisterial duty. Thus began the law and order aspect of the problem. The arrest of some 15 to 20 persons was promptly capitalised on by the local Centrist Party. Telegrams were sent to the then Union Minister of State for Home and the then Union Home Minister alleging that a large number of peaceful Centrist Party agitators had been arrested and beaten up by the police of the local government and that they were being ill-treated in jail. Though the incident was a minor one, the Ministry of Home Affairs called for the comments of the local government. While the details of the arrested persons and the cases against them were being compiled, the collector and district magistrate ensured that these persons were properly treated in judicial custody. When the

comments of the local government were sent to the Home Ministry, the latter were apparently not satisfied with the explanations given and made further queries on the allegations of lathi charges and police beating. The following Sunday was once more the occasion for fresh trouble at the site causing the collector considerable anxiety. By now, the course that events were taking seemed to suggest that the apparent concern shown at higher levels about the law and order situation at Chandgad, by itself was not so important as the main objective, which appeared to be to cause as much embarrassment as possible to the local Khandala government which was one of the very few state governments in the country at that time to be ruled by a party other than the units of the central ruling party.

A few days later, once more the local Centrist Party obstructed Godbole trucks carrying earth to the plant site, where they were engaged in raising the ground level and stabilising the same as it was swampy and prone to inundation by tidal saline waters. This time, a mild cane charge had to be resorted to by the police and the collector was obliged to send the concerned SDM to Chandgad to supplement the efforts of the tehsildar. By now, it was felt that it would be prudent to avoid any situation involving the police and the local Centrist Party agitators, which would strain the relationship between the Ministry of Home Affairs and the local government. The collector accordingly advised the SDM and the tehsildar, and further asked the tehsildar to camp at Chandgad and avert any unseemly incidents involving the police. Separately, the collector also contacted the Local Centrist Party leaders and sought their cooperation for his efforts. However, the next day, there were some more incidents during the two hour period that the tehsildar chose to visit his taluka headquarters and some more agitators were arrested.

Deeply concerned over the developments, the collector, accompanied by the superintendent of police, rushed to the Panhala tehsildar's office where the arrested agitators had been brought. The SDM was also present. Before leaving for Panhala, the collector had been told by the chief secretary that the chief civil administrator of the state had desired.

that none of those arrested should remain in custody that night, and that all of them were to be released. The collector felt that this directive imposed certain constraints on the law and order administration of the district which he rightly considered to be within his jurisdiction, but at the same time, he felt that political realities dictated that the path of discretion be followed. Fortunately, it transpired that the arrested persons had been booked only for breach of the peace, and proceedings under Section 107 Cr. P.C. were proposed to be started against them. The SDM immediately conducted these proceedings in the tehsildar's office and administered to the arrested persons a stern warning and dropped the proceedings thereafter, even though some of the agitators continued to shout slogans during these proceedings. Strictly speaking, the very fact that slogans were shouted before the SDM should have been sufficient ground for him to apprehend further breach of the peace and continue the proceedings, or keep them pending after obtaining personal bonds from these persons. However, there was every possibility of these persons attempting to precipitate matters by refusing to sign personal bonds, thereby compelling the SDM to commit them to judicial custody. The latter possibility was ruled out considering the strict instructions of the chief civil administrator to the effect that no one was to be detained for the night. Thus, the SDM was left with no choice but to follow the course he did.

During this period, the local Centrist Party leaders also proposed certain alternative sites near Chandgad village for the plant. Their proposals were accompanied by rough sketches of the alternate sites, and these were sent by the local government to the collector for a report. Considering the seriousness of the issue, the collector personally inspected these sites, and examined the legal documents, tenancy status, etc., of these plots himself. After careful consideration of all aspects, he reported to the local government that these sites were unsuitable, either because they were too small or were inaccessible to barge traffic which was an important prerequisite, or they involved displacement of far more tenants than the site already selected. Copies of these reports of the collector were sent by the chief secretary along

with his own comments endorsing the views of the collector to the Home Ministry which had shown great interest in the alternate sites. This did arouse some curiosity because the ministry actually concerned with the approval of the site selected by the local government was the Ministry of Steel.

As part of his efforts to avoid trouble at the plant site, the collector had talked to the Godbole representatives and persuaded them to stop all work at the site so as to avoid provoking the demonstrators. To this M/s Godbole & Co., after initial hesitation, reluctantly agreed. In the first week of February, 1978, Mr. Godbole himself, for the first time during the entire episode, sought an appointment with the collector. Previously, he would meet only top level officials like the chief secretary or members of the political executive. During Godbole's meeting with the collector, the latter was asked as to whether work could be resumed at the site again. The collector informed him that this would only create more complications. He further took the opportunity to explain to him, in as discreet a manner as he could, the political realities of the situation. It was pointed out to him that the local government had done all that was possible to clear the way for construction to be started at the site. The Union Ministry of Steel had approved the choice of the site. However, the local Centrist Party had started an agitation against the local government over the issue, and the Ministry of Home Affairs had been making inquiries on the law and order developments at Chandgad. It was therefore important to do nothing at the site which would further aggravate the already tense situation. Godbole was quick to grasp the essence of the problem and remarked that he would take up the matter with SAIL and the Ministry of Steel. Sound pragmatism had always characterised Godbole's approach to problems and he demonstrated this in ample measure during his conversation with the collector. He informed the collector that his lawyers had filed a civil suit against the local Centrist Party leaders in the Panhala court, seeking an order restraining them from interfering with the activities of his company at the Chandgad site, and further they had sued for damages because of setback to the work schedule which had affected his contractual obligations with his foreign technical

collaborators and also the Japanese buyers of his pellets. Since this was a joint stock company of which SAIL was a major shareholder, Godbole informed the collector that SAIL was also equally concerned over the delay.

Having been associated with the problems relating to the Chandgad plant site for over three months now, the collector felt that it was time for an initiative from the local government to find a way out of this impasse. He considered that such an initiative would have to be directed towards the Union Ministry of Steel which was actively concerned with progress in establishing the plant. The collector, therefore, advised the chief secretary that the right thing to do would be to make the Union Ministry of Steel deal directly with the Union Ministry of Home, on the strength of whose inquiries and calls for explanations and comments from the local government on the law and order situation at Chandgad, the local Centrist Party felt encouraged to continue the agitation. The chief secretary agreed to this, and while it is not known how he went about it, it was learnt shortly afterwards that officials from SAIL proposed to visit Khandala soon to make an on-the-spot study of the situation. In the meanwhile, the collector also thought it advisable to meet the chief minister of Khandala and apprise him of the Chandgad developments and get him to take some initiative at the political level, both locally and at Delhi. So far, the chief minister had displayed a low profile in handling the Chandgad problem. He had been content to let matters be handled entirely at official levels and predictably this brought little relief as the matter had now become political in its complexion. So far, the overall law and order situation at Chandgad was well under control, and there had been only a few minor incidents, though these had of course been inflated out of all proportion by interested parties. However, the collector felt that should there be a major law and order problem necessitating a firm response from the police, there would be embarrassing consequences for the officials of the magistracy and the police. Already, the chief civil administrator had shown himself to be averse to the arrest of any of the agitators while the chief minister's approach suggested a posture of

studied and masterly inactivity. There were two possible reasons for the chief minister's low-profile approach, one of which was that he had had strained relations with the Godboles for some years and hence lacked enthusiasm for the Godbole plant. The other reason probably was that he was seriously worried about the isolated nature of his government which was a non-Centrist Party and this uneasiness may have left him incapable of offering any purposeful initiatives.

The collector therefore called on the chief minister and suggested to him that it would be very useful if he undertook an extensive tour of Chandgad village and assured the local residents, in particular the agriculturists, that there would be no pollution problem. The collector was encouraged to suggest this course of action because he had had occasion to be witness to a highly successful tour by the chief minister to another village a year earlier where there had been a serious agitation provoked by the fact that this village was likely to be submerged by the waters of a proposed irrigation project in the area. On that occasion, the chief minister had persuasively tackled the matter with the residents of the village and had defused their agitation. The collector further suggested to the chief minister that the latter take up the Chandgad plant issue with the appropriate authorities in the Ministry of Home Affairs and the Ministry of Steel during his forthcoming visit to Delhi. The chief minister listened attentively to the collector's suggestions, but did not indicate what was in his mind. Actually, nothing would ultimately come out of this meeting, as no independent initiative to resolve the matter was made by the chief minister.

A few days later, the collector was suddenly instructed by the local government, possibly at the instance of the Home Ministry, to ascertain whether there were any other sites in Khandala which could be suggested for the purpose of locating the plant. To the collector, it seemed incongruous that for the purpose of setting up a plant in the joint sector, an important participant in which was a local industrialist, the district collector should be obliged to use his resources to locate an alternate site. While the collector was concerned about the propriety of this exercise, he never-

theless saw in this an opportunity to end the uncertainty regarding the site. In the absence of any guidelines regarding the requirements an alternate site should fulfil, the collector set for himself the following criteria which he thought were important:

- (i) the site should be close to a river, and accessible to barges;
- (ii) the site should not be more than 50 kilometres from the harbour;
- (iii) the site should be between 10-12 acres in area;
- (iv) the site should be so located, that ore transport to it should not involve dust pollution of towns and villages lying in between; and
- (v) the site should not involve a large number of tenants if agricultural land was selected.

The distance criteria from the harbour automatically narrowed the search to five talukas along the banks of which flowed the two great rivers of Khandala, *i.e.*, the Hiranyakeshi and the Dudhsagar. The collector accordingly instructed the concerned tehsildars to look for suitable sites, bearing in mind the criteria laid down above. The sites suggested by the tehsildars were then taken up for discussion with them. All the sites had to be rejected on one ground or the other. They were either too small or were good agricultural lands supporting a large number of tenants or were unsuitable for the docking of barges. A detailed report on these lines was sent to the local government which included sketches of the alternate sites proposed by the tehsildars and reasons for not recommending them.

Some time in the second week of February, 1978 the chief secretary informed the collector that two senior officers of SAIL would be arriving in Khandala on the following day to make an on-the-spot study, and that the chief civil administrator's instructions were that the collector should accompany them and show them around all the alternate sites at Chandgad, apart from the site already approved for the plant. Accordingly, the collector accompanied the two SAIL officers the next morning during their visit. One of

the officers was of the rank of director while the other was a deputy secretary. The latter was in fact on the Board of Directors of the joint stock company. Incidentally, the collector observed that the car in which the two officers were taking him was of a foreign make. As they drove towards Chandgad, the collector casually inquired of them as to where they were staying and was informed that they were at the Godbole Guest House at Janjira. The collector then inquired of them as to whose car it was that they were riding in. The two gentlemen looked somewhat uncomfortable as they replied defensively that it belonged to Godboles. The collector wondered how these two SAIL officers would be able to form an objective opinion on the controversial problem they had come to study, when they were obviously enjoying the hospitality of the Godboles. Of course, in all fairness to them, it also occurred to the collector that perhaps the impropriety was not serious considering that in the case of the pelletisation plant both SAIL and the Godboles were involved in a joint venture and in this limited context, both SAIL and the Godboles could be regarded as being two sides of the same coin.

On arrival at Chandgad, the demonstrators near the site began shouting slogans. They were obviously well aware of the visit by the SAIL officers that day. The SAIL officers first of all went around the site where considerable work had already been done to raise the level of the swampy land, and piling operations had been commenced before stoppage of work had been brought about a few days earlier. The SAIL officers seemed impressed by the progress already made on site, and expressed the view that they had earlier been under the wrong impression that work had been proceeding slowly. The two officers then approached the demonstrators and heard their highly motivated, though misinformed, arguments and tried in vain to conduct a purposeful discussion with them. The party then drove to see the two alternate sites that had been proposed by the Local Centrist Party earlier, and which the collector had rejected. The same afternoon, as arranged earlier, the local Centrist Party leaders came to the collector's office to meet the SAIL officers. The two SAIL officers explained the

entire story of the pelletisation plant right from its genesis and tried to impress on the Centrist Party leaders the fact that it was in pursuance of a central government decision to locate the plant in Khandala that Chandgad was selected and that this site, in turn, had been approved by the Ministry of Steel. The two SAIL officers were however not able to make any impression on the local Centrist Party leaders for whom it was expedient to keep the Chandgad issue alive for political reasons. They were, no doubt, discomfited by the fact that the Ministry of Steel of the central government had sent two of their important officers over to Khandala not with the purpose of selecting an alternate site but rather to endorse the decision already taken regarding Chandgad.

When the local Centrist Party leaders left the collector's office, the collector decided to categorically express his views on the whole Chandgad matter to the SAIL officers. In particular, he sought to impress upon them the need for the Steel Ministry to persuade the Home Ministry to ask the local Centrist Party leaders to withdraw their agitation against the plant. Till this was achieved, the collector told them firmly that no work should be started by the Godboles at the site. The SAIL officers agreed with the collector's viewpoint, and then left his office. On the basis of this assurance, the collector sent a report the same evening to the chief secretary, in which he particularly emphasized the assurances of the SAIL officers not to start work on the site, till the agitation was called off. That night however, the collector received a call at his residence from the local Godbole representatives that the SAIL officers had told the Godboles that they could now commence work at the site. Perturbed at this apparent breach of understanding, the collector immediately made efforts to contact the two SAIL officers over the phone and with great difficulty managed to locate them at a popular restaurant where they were being entertained to dinner by the Godboles. Having verified that they were indeed inclined to start work again at the site immediately, the collector threatened to impose a prohibitory order on and around the Chandgad plant site, under Section 144 Cr. P.C. and thus legally ensure that no work started. At this,

the SAIL officers retracted from their earlier position and agreed to honour the understanding they had reached with the collector earlier during the day.

Ultimately, the agreement was honoured. When the local Centrist Party agitation was officially called off a few days later, the Godboles were at last able to resume work at the site in real earnest without any hindrance.

CASE WRITER'S COMMENTS

Some of the lessons to be derived from this episode are given below:

- (i) Notwithstanding the pressures applied by the Godboles to expedite the land conversion matter through extra legal means, the collector had firmly insisted that the provisions of the Tenancy Law as also the Land Revenue Code be scrupulously observed, even at the cost of differing with the state government's Law Department. This firm approach involving a refusal to compromise with statutory procedures perhaps led to a grudging respect both in government as also on the part of the Godboles for the collector's opinions. Later on, the collector would be able to capitalise on this by persuading both the chief secretary as also the Godboles to follow his advice in defusing the crisis. This may not have been possible if the collector's stand earlier on the legal issues had been one of compromise and inconsistency.
- (ii) The importance of not viewing the issues involved as a routine law and order situation was highlighted. The collector saw early in this case the fact that the law and order component was merely the tip of a political iceberg. The collector had developed his own sources of information on the likely course of the agitation and had established a grip over the situation from the beginning. As a result, notwithstanding the apprehensions of the police, the collector was able to come to the conclusion that no major problems were likely at the plant site if the work was suspended. It

was necessary for this purpose to maintain continuous touch with the local Centrist Party and also the Godbole executives. This was done. With the local Centrist Party, it was important to convey the impression that the collector was not merely a tool of the local government but an independent and fair minded officer.

- (iii) The most important lesson was that, while a civil servant should not play politics himself, it was very necessary for him to understand the political dynamics of the environment. In the context of the Khandala situation as it existed, it was of great importance to appreciate the fact that since the Khandala Government was one of the very few non-Centrist Party governments in the country at that time, it was essential to avoid any provocation to the centre in the nature of arresting Centrist Party workers. It was precisely with these considerations in mind, that the collector was able to suggest a strategy whereby the Ministry of Steel was made to influence the Ministry of Home Affairs and to persuade the latter to offer their cooperation in having the local agitation called off. This was brought about slowly by stopping the work at the site whereby the main sufferers apart from the Godboles were SAIL and the Ministry of Steel.
- (iv) In such situations, both the political executive and the senior administrators, seek to avoid embarrassment to themselves as far as possible, and this aspect characterised the nature of the orders issued to the civil servant/district officer, for example, the order of the chief civil administrator that none of the arrested agitators were to remain in custody. Such orders could result in difficulties for the civil servant in the event of a serious crisis, straitjacketed as his powers would be. It is important for the civil servants to foresee such eventualities and take such precautions as are feasible. In this case, the collector sought to do this by the following:

- (a) minimising the police action at the site;

- (b) getting the work suspended at the site;
- (c) sending frequent and detailed reports on the developing situation, as also by making his own recommendations to the government;
- (d) maintaining close contacts throughout with the local Centrist Party leaders;
- (e) trying his best to involve the chief minister in the matter, and persuading him to offer a political initiative to resolve the crisis; and
- (f) endorsing copies of all his reports addressed to the chief secretary to the secretary of the chief civil administrator for the information of the chief civil administrator. ☐

HINDUSTAN COOPERATIVE BAKERY

RANJIT ISSAR

I

This case study of Hindustan Cooperative Bakery gives a brief summary of its performance for the past 4 years. The question is whether the bakery should be closed or shifted to a new site in view of high transportation costs or its production diversified to make it an economically viable unit.

The Hindustan Cooperative Bakery (HCB) was set up in a backward district during 1974 and commenced production during 1975. The site was selected in order to take advantage of the central subsidy for the establishment of a unit in a backward area.

The primary objectives of the bakery were as follows:

- (i) to provide employment in the backward district; and
- (ii) to provide hygienically processed and baked bread to middle class population whose dietary habits were changing as a result of rising living standards. (The bread so produced would be fresh as at present the bread available was brought from a long distance and was 40—72 hours stale)

PARENT ORGANISATION

This baking unit in the cooperative sector is one of the units of a larger cooperative society whose objects are marketing and processing of agricultural and allied products and supply of agricultural inputs. The activities of the society are mainly confined to procurement of foodgrains and distribution of fertilizers and the society has

been generating profits since its inception. It also has a number of other processing units, for example, rice mills, dal mills, cattle feed plant, etc.

FINANCES

The bakery was set up at a block cost of Rs. 16.50 lacs whose breakup is given below:

(i) cost of building	Rs. 6.00 lacs
(ii) cost of machinery	Rs. 7.75 lacs
(iii) working capital requirement	Rs. 2.75 lacs

Eighty per cent of this was loan while 15 per cent was subsidy from the government. The parent society contributed the remaining 5 per cent.

ADMINISTRATIVE SET-UP

(See Chart on next page)

Manager

Originally, it was expected that the manager would be a degree holder in food processing. It was difficult for the newly established bakery to attract such talent and initially, therefore, a qualified man was taken on deputation from Modern Bakeries. This officer, however, left within nine months and the charge of the bakery was given to a non-technical senior officer of the parent organisation who happened to be posted in the same station.

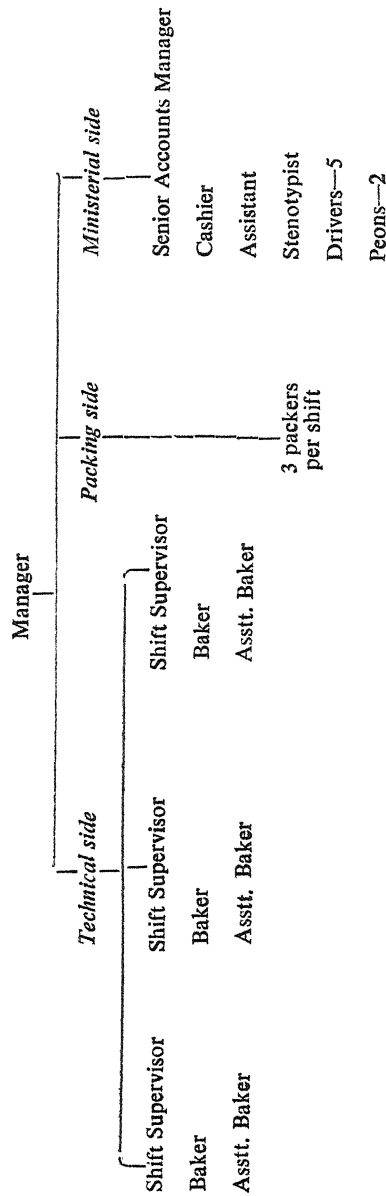
Shift Supervisors

It was expected that shift supervisors would be diploma holders in food processing. Qualified shift supervisors were available but because of the high demand and opportunities for trained hands in these lines, it was difficult to keep them in position. Out of three posts, one post remained vacant for over three years.

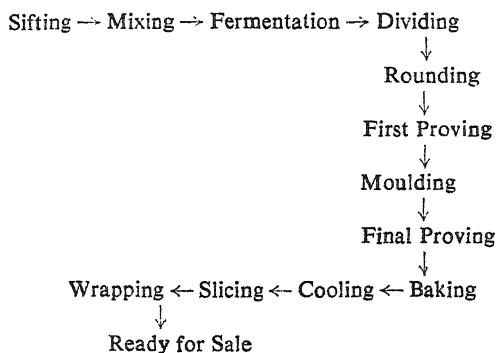
Bakers and Assistant Bakers

The bakery was fortunate in getting good men in this area who have stayed with it for a fairly long time.

ADMINISTRATIVE SET-UP



PROCESSING PROCEDURE



MATERIALS FLOW

The material flows as per the processing procedure given above. The wheat flour is sifted and mixed with yeast, sugar, salt, oil and other ingredients and sent for fermentation under controlled temperature and humidity conditions. Then it is fed to a hopper where the dough is divided into the required size and then rounded and after passing the first prover, it comes to moulding. The moulded dough goes to the final proof room where it expands under controlled conditions. After final proofing, baking is done. The breads are then cooled, sliced and wrapped. They are now ready for sale.

On an analysis of the location of various sections in the main building it was realised that significant flaws existed in the original design particularly, with regards to the following:

- (i) location of various sections—it is not as per the processing procedure outlined above;
- (ii) temperature control inside the building; and
- (iii) the cooling process.

RESULTS

The unit produced 2,90,923 standard loaves of bread.

and sold 2,86,763 loaves during the period from January 19, 1975 to June 30, 1975. It incurred a net loss of Rs. 61,051 primarily due to the following reasons:

- (i) the cost price of the bread was more than the sale price as the latter was fixed by the government;
- (ii) the unit distributed free samples to the public for public relations purposes; and
- (iii) some loaves were damaged in the initial stages due to technical difficulties.

During the year 1975-76, the production gained momentum and the unit produced 9,62,000 plain breads of 400 grammes and 5,78,000 special nutritious breads and sold the entire quantity during the year. A loss of about Rs. 1,59,000 was suffered during this year. The main reasons for this were:

- (i) the plant could not be utilized to its optimum capacity and was worked only for one and a half shifts per day; and
- (ii) due to technical problems, some percentage of the bread got damaged and was declared unsaleable.

During the following years, 1976-77 and 1977-78, the level of losses increased still further. It was only as of July 1978 that the bakery began to make a marginal level of profit.

The income statement of the unit for the first few years of operation is given in annexure 'A'. It also shows the comparative figures for the six months from July to December, 1977, and July to December, 1978.

It would be noticed that the office overheads and the administrative expenses have remained low and more or less the same. On the other hand, the selling expenses have increased substantially over the years.

The actual cost of production is analysed in annexure 'B'. The cost of plain bread works out to approximately Rs. 123 per hundred breads and the net loss to Rs. 29 per hundred breads.

CONSTRAINTS

Local Consumption

The assumption that the demand for bread in the immediate vicinity of the bakery would go up has not matured. After the unit came into production, it was found that the demand of the local population for this bread varied between 100 to 150 per day; the rest of the production had to be transported to distant places.

Transportation

Transportation is undertaken by a fleet of trucks. Each truck is accompanied by one loader and one salesman who collects the sale proceeds. The expenses of transportation and distribution are Rs. 13.75 per hundred breads. The overall cost of transportation is extremely high. The maintenance of a fleet of trucks is costly; their breakdown ratio is high; they have to travel long distances and the routes are complicated.

Marketing

Bread is an urban middle class consumption item. The parent society did not have any experience in the marketing of such consumer goods. Its utilisation of publicity media and market sensitivity analysis was inadequate. Its strategy of distribution channels to the ultimate consumer was not carefully drawn up.

Taxation

The incidence of taxation on bread produced by this bakery was six paise per bread whereas local bakers and bakeries financed by the Khadi Gram Board were exempt from this tax. Also, in the neighbouring regions of Punjab and Delhi, there was no sales tax on bread with the result that the bakery could not send its bread outside the state.

II

In the beginning of this case study we had raised the question of whether the bakery should be closed or if it is not to be closed, then what are the steps that should be

taken to make it an economically viable unit. These steps could be diversification, or change of site, or any other step likely to raise the level of profits.

On going through the case study, it becomes evident that, with certain modifications, the bakery can be transformed into an efficiently run, economically viable unit. Some of the suggestions in this regard that have been already implemented successfully are given below:

(i) *Diversification of Production*

Apart from the original plain bread we are now also making a special nutritious bread. A bun-moulder for making buns has also been purchased since buns are relatively long lasting and they have ready acceptability in high population density industrial areas like Faridabad, Khetri, Hansi and Hissar.

(ii) *Reduction of Formula Costs*

With the joining of a technical manager from Modern Bakeries, it has been possible to reduce the costs of the bread-making formula by two paise per bread without affecting the quality of the bread. In fact, the bread has better acceptability now. Along with this, attempts have been made to reduce the conversion cost by improving the output of the ovens.

(iii) *Reduction of Replacement Losses*

It was noticed that a large amount of loss was occurring because of the policy of replacement of substandard breads supplied by the bakery. The original scheme was that if the bread had some manufacturing defect then the dealer could return the bread to the bakery. This system was, however, being grossly misused. Thus, for example, during July-December, 1977, 17,516 loaves of bread were returned by the dealers. After tightening up in this regard, the comparative period during the following year, i.e., July-December, 1978, witnessed the return of only 1,750 loaves.

(iv) Reduction of Transportation Costs

After an analysis of the transportation network, the following two measures were taken:

- (a) On one of the three main routes, another truck was utilised to take up the distribution from a point roughly halfway on this route thus enabling the bread to reach in time while simultaneously reducing the level of man and machinery fatigue and also certain costs.
- (b) We have introduced a private contractor on the other two main routes. The cost of sending bread through the private contractor is the same as by the use of our own transportation. However, this has reduced the pressures on our fleet and facilitated its more effective utilisation.

Annexure 'A'
HAFED BAKERIES, BHIWANI

<i>Particulars</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1976-77</i>	<i>1977-78</i>	<i>July '77 to Dec. '77</i>	<i>July '78 to Dec. '78</i>
Opening Stock		1943.47	5839.17	2765.70	2765.70	5776.62
Raw Material	258413.83	1049592.73	995451.69	1460143.44	739416.44	685542.49
Manufacturing Expenses	30745.21	252945.45	359732.03	456904.54	202136.76	304937.16
Office Overhead	49568.20	84598.36	84730.13	16771.04	8061.96	9519.16
Admn. Expenses	47433.74	111632.98	87112.10	84427.69	38319.30	35193.86
Selling Expenses	27144.98	212365.24	257960.18	286904.54	119855.22	173909.01
Depreciation	38287.00	86487.00	82251.00	165646.30	78503.40	74415.30
Int. on W/Capital	12000.00	22000.00	24000.00	30000.00	18000.00	15200.00
Int. on B/Capital	100000.00	210000.00	205000.00	204928.00	102465.00	67328.70
Grand Total	563592.96	2031565.23	2102076.30	2708491.25	1309523.78	1371622.30
Less C/Stock	—	5839.17	2765.70	2371.10	160.00	1112.40
Sales/ Income	563592.96	2025726.06	2099310.60	2706120.15	1309363.78	1370509.90
Profit/Loss	352254.05	1866211.96	1914966.71	2357040.75	1183380.63	1373337.08
	—21138.91	—159514.10	—184343.89	—349079.40	—125983.15	+2827.18

Annexure 'B'

PLAIN BREAD MIX PER 100 KG. OF MAIDA

<i>Sr. No.</i>	<i>Name</i>	<i>Percentage</i>	<i>Quantity</i>	<i>Rate (Price in Rs. per kg.)</i>	<i>Total in Rs.</i>
1.	Maida	90.61	100 kg.	1.68	168.00
2.	Sugar	2.71	3 kg.	3.00	9.00
3.	Salt	1.82	2 kg.	0.60	1.20
4.	Yeast	1.82	2 kg.	8.50	17.00
5.	Refined Oil	.91	1 kg.	8.50	8.50
6.	G.M.S.	.23	250 gms.	16.00	4.00
7.	Calcium propo- nate	.31	350 gms.	18.00	6.30
8.	R.G.O. for greasing	.91	1 kg.	8.50	8.50
9.	Acetic acid	.23	250 gms.	14.00	3.50
10.	Pottasium Bro- mate	—	.005 gms.	100.00	0.50
11.	Ammonium Chloride	.45	500 gms.	3.00	1.50
			110.355 kg.		228.00

The yield from one mix of 100 kg. maida is 350 breads of 400 gms.

<i>Variable Costs per 100 Breads</i>	<i>Rs.</i>
Cost of raw material per 100 breads	65.14
Wrapper	8.97
Processing expenses	14.48
Spare parts and consumable stores	1.20
Repair of machinery	0.66
Interest on working capital	1.15
Selling and distribution expenses	13.75
	105.35

Fixed Costs per 100 Breads

Depreciation	7.50
Office overheads	0.90

		Rs.
Admn. expenses		2.55
Interest on block cost		6.79
		<u>17.74</u>
Total cost per 100 breads		123.09
Sale price Re. 1.00 per bread		
Less sales tax 0.06		
	<u>0.94</u>	Income per 100 breads: <u>94.00</u>
		Net loss per 100 breads <u>29.09</u>
<i>Annual Fixed Costs</i>		
Depreciation of fixed assets		1,48,850
Interest on block cost		1,34,650
Office overheads		15,100
Admn. expenses		84,250
		<u>3,82,850</u>
<i>Capacity Utilisation</i>		
Rated capacity of the bakery		45,00,000 breads
Present utilisation		27,00,000 breads

'BEST' STRIKE

J.B. D'SOUZA

I

INTRODUCTION

The Setting

The BEST Undertaking operates the electric supply and bus transport in the city of Bombay—electricity for the southern part of the metropolis, the old city, and buses for the entire metropolitan area. It employs nearly 24,000 workers, 11,300 of them on the transport side.

Its labour unions have been dominated in recent years by a relatively new figure on the political horizon, George Fernandes. In fact, George Fernandes grew into the position he now occupies in the political world largely because of his leadership of the BEST union. BEST workers are today organised in five unions, but only one of these, which calls itself the Workers' Union, has any appreciable strength. In fact, it dominates the undertaking's employees. It is affiliated to the Hind Mazdoor Panchayat, an arm of the SSP.

The Workers' Union came under George Fernandes' leadership comparatively recently. Earlier it was an AITUC organisation; it slipped into George Fernandes' hands ten years ago. Fernandes was then a young and relatively unknown labour man, who had understudied another Christian union leader, P.D. Mello. But Fernandes brought to labour politics a new vigour, a freedom from conventional strategy, a ruthlessness. He had a gift of eloquence that was trilingual (English, Marathi, Hindi). These qualities quickly captured the allegiance of the BEST workers. And since the undertaking

supplied two of the city's basic needs and a strike of its employees could paralyse the life of the city, leadership of these workers soon brought Fernandes an astonishing measure of power.

There were other reasons for this, of course. First, the politicians who controlled the forces of law and order were, if not overtly, at least covertly, hostile to the city Congress establishment. It was the old MPCC—BPCC rivalry, and the state government that controlled the police, did not especially mind the growth of a new force in the city that could challenge the dominance of S.K. Patil and his BPCC. Second, the State of Maharashtra had been born after a spate of violence on streets of the city, violence that the former government of the composite State of Bombay led by Morarji Desai had curbed by stern police action. The new chief minister, the first chief minister of Maharashtra, and also its home minister, was a different kind of person, one more emollient and anxious to set a climate of peace and stability in the new state and particularly in its cosmopolitan capital. This new disposition of the establishment often produced pressure on the undertaking to yield to union demands regardless of their justifiability or the undertaking's capacity to bear their cost. Third, the undertaking is run by a general manager who is deputed to it by the state government for a fixed term, usually three years, after which he goes back to that government. So the general manager is generally inclined to be amenable to the state government's point of view and certainly to comply with suggestions that emanate from the chief minister. And fourth, since 1960, the undertaking had a succession of general managers who were either patently and unreasonably anti-labour so that they unwittingly promoted union growth, or else so obviously conciliatory that the union could secure even more than it expected.

So the union grew and grew in strength and George Fernandes grew with it. And once his domination of the BEST workers was established, it spread to other industries. This was a self-perpetuating process, for George Fernandes' control over labour elsewhere became in turn an asset to the BEST union, which could then reckon on sympathetic action by other workers when the need arose. From small begin-

nings, Fernandes transformed himself into a power that the authorities had to reckon with in city affairs—he could threaten to paralyse its life, and the authorities tended to yield.

And in BEST, the union men could similarly threaten management with widespread stoppages and management usually took the path of least resistance. Several times BEST workers had struck. Almost invariably, the workers had come back with very positive gains because political pressure had made management yield. In fact, in recent strikes, various political leaders had termed as provocative management's efforts to keep even a skeleton service in operation. Each strike had commenced with brave declarations by the management that the strike was illegal, that strikers would be dismissed, etc., but ended on a weak compromise that virtually gave the workers what they wanted. No wonder then that successive managers had been increasingly conciliatory, yielding more and more readily to union pressure, and ensuring thereby that there would be more pressure in an unending cycle.

One of the strikes had ended in an agreement to submit the entire wage structure to arbitration. This would have turned out satisfactorily were it not for the unfortunate fact that the management was practically coerced into accepting the union's nominee as arbitrator. He was a reputed legal practitioner, well known for his pronounced partiality towards labour. He later became a judge of the Bombay High Court. (Still later, he resigned from the Bench). The result was an award which gave away enough to put the undertaking into a tight financial corner by increasing pay scales all around, quite above what the undertaking could bear. Worse still, and this was really the unkindest cut of all, the arbitrator observed that the employees of the traffic department, well over 10,000 in number, deserved much higher scales than he was awarding, and should get them when the undertaking could afford it. Here, certainly, were the seeds of future trouble sown almost deliberately. The sowing was to bear fruit, as we shall see.

The Seeds of Crisis

The arbitrator's generosity was one factor that took the

undertaking into financial straits. Another was the direct linking of the workers' dearness allowance rate with the cost of living index. This practice had been in vogue since 1944, as the result of an industrial court's award. It was not a serious problem during the late 'forties' and the 'fifties', when the price level stayed relatively stable. But when prices began to climb more steeply after the Chinese invasion, the DA bill became crippling, particularly so because the bus fares and electricity tariffs remained quite static because it had proved politically impossible to raise them. The effect of inflation on the undertaking's cost structure is apparent from the table below:

<i>Year</i>	<i>Monthly D.A. Rate at start of year</i>	<i>Total DA payment</i>	<i>Percentage of total costs</i>
	Rs.	Rs. (in lacs)	
1947	46	41	12
1957	73	132	16
1967	164	412	21

By mid-1966, the undertaking was heavily in the red, with no money to pay even its current bills. Bills of the value of Rs. 80 lacs were outstanding, with no means of settlement, and the undertaking's current expenses exceeded its income by about Rs. 35,000 daily. Efforts to restore some balance by raising bus fares had failed during the previous two years, but in October 1966, the corporation at last agreed to an increase in fares that would bring in extra revenue of Rs. 175 lacs annually. This would wipe out the current deficit and leave a margin of some Rs. 50 lacs. Many corporation councillors made hostile speeches during the debate on the fare rise; one of the most vehement was the councillor for Umarchadi, George Fernandes, President of the BEST Workers' Union.

The ink was hardly dry on the corporation's decision when George Fernandes' union organised a demonstration at

BEST House and presented the general manager with an impressive charter of 20 demands. This was on November 25, eighteen days after the fare rise. The demands were evaluated (in calculations made later) at over Rs. 4.33 crores. Conceding such demands would obviously set the undertaking back financially much further than it was before the fare rise, and was consequently out of the question. Nor did the union expect the entire charter to be conceded. It had included some preposterous claims; for example, workers should get dearness allowance for all the days in the month, not only the working days. This conveniently overlooked the prevalent mode of calculating dearness allowance payments, which took the full monthly rate and divided it by the number of working days to arrive at the daily rate, which workers were drawing. Conceding this demand, therefore, would clearly mean double payment. It would cost Rs. 76 lacs. Another impossible claim for an organisation in the undertaking's predicament was for reduction in the duty hours of bus drivers and conductors from 8 to 6. The cost of this concession would be Rs. 135 lacs. Bus crews all over India work to an 8-hour schedule.

And of course there was the demand—the first in the charter—that the arbitrator's award be applied to traffic department workers (*i.e.*, bus crews, inspectors, etc.). This was nonsense; the award *had* applied to traffic workers, and had been faithfully implemented. The reference, however, was to the arbitrator's gratuitous observation already mentioned: the need to grant higher pay scales when the undertaking's finances improved. If the arbitrator's indications were to guide a new concession on this demand, the cost could well run into Rs. 70 lacs, a sum that was not counted in arriving at the total of Rs. 4.33 crores earlier stated.

On November 29, 1966, the case was reported to the BEST committee, which directed the general manager to discuss the demands with the union and put up to the committee specific proposals for settlement.

Accordingly, discussions with the union began in December 1966. At the very outset, the general manager made it clear that, while the management would not adopt a negative attitude towards the demands only because of lack of funds,

and while it was prepared to negotiate and readily settle demands that would involve only a marginal burden, it would expect a proportional gain in productivity if any major demands were to be conceded. This approach to the negotiations was set out in the minutes of discussions of these meetings which were given to the union. In fact, the first draft of these minutes came from the union itself, and contained a passage to this effect.

With this framework, the discussions with the Workers' Union continued during the ensuing months, until May 1967. During the first part of this period, the president of the union, George Fernandes, was immersed in his election campaign for the South Bombay parliamentary constituency. Even after he was elected, he found little time for these discussions because of his preoccupations in parliament, and accordingly, the discussions were mostly with the general secretary of the union and other union representatives.

The discussions throughout this period were conducted against the background of the stipulation made at the outset, namely, that concessions would have to be balanced by operational economies; the economies were also under discussion and various possibilities were being explored at the time that the union's demands themselves were being examined, reduced or rationalised. On some of these demands the discussions had eliminated the divergence of views; but others were still not accepted.

Some time late in April or early in May 1967, George Fernandes met me. I indicated to him that concessions totalling about Rs. 40 or 50 lacs would be possible. I had in mind the prospect that the economies I contemplated would probably bring in savings of nearly the same amount. He said that he was not satisfied with the progress of negotiations, and that unless the demands were conceded quickly, there would be no alternative but to call a strike. He proposed that we grant the concessions in which agreement had been reached, and refer the rest to a private arbitrator. I indicated my readiness to recommend a reference to arbitration, but insisted that in that case the entire set of demands be referred to the arbitration of an industrial court under the B.I.R. Act. This Fernandes did not agree to.

A few days later, on May 16, Fernandes and other union representatives met the then chairman of the BEST committee, and described the course of the negotiations held till then. After the meeting, the minutes of which were drawn up by the union and sent to him, the chairman asked me to discuss the matter with him, and also asked what our counter-proposals were.

On May 29 the press reported that the workers had threatened a strike if the demands were not conceded by June 4. An action committee had been formed under Fernandes' leadership, and had expressed displeasure over the general manager's unhelpful attitude and the chairman's failure to intervene. Apparently, Fernandes had resigned from his presidentship of the union to run the action committee.

On June 4 the workers were advised by the action committee to keep ready for a strike any time from the week beginning June 11.

On the 6th I reported to the BEST committee the course of events since the charter of demands had been received, and explained the basis of the discussions and our position on some of the major demands.

On the 8th I suggested to the state government that it make a reference to the industrial court under Section 99 of the B.I.R. Act to get the proposed strike declared illegal.

On the same day I wrote a separate letter to government explaining the whole dispute in detail, and asking that it be referred by government to the arbitration of the industrial court under Section 73 of the Act. That letter contained the following paragraph which gives the gist of the discussion held so far:

The demands were discussed at great length in a series of meetings with the Union Representatives, including Shri George Fernandes. The financial condition of the Undertaking was explained to the Union leaders from time to time, and they were advised that, apart from marginal adjustments, the grant of any major concessions would be possible only if it was related to rise in productivity. The grant of any concessions has also been made conditional on: (a) acceptance of the Management's proposals

by the BEST Committee and the Bombay Municipal Corporation, and (b) the acceptance by the workers of certain operational improvements such as the retention of ticket boxes with conductors, running of single decker buses with carrying capacity of 65 passengers with a single conductor, etc.

On the 14th I sent government a detailed list of operational improvements contemplated.

Meanwhile, pressure from George Fernandes was mounting. On the 9th about 3000 workers marched to Electric house, where Fernandes addressed them. He denied that the demands would cost BEST Rs. 4 crores, and announced that a strike would begin at 6 or 8 hours' notice. (Simultaneously, the INTUC controlled union appealed to workers not to heed a strike call.)

A press note that we had issued on June 8 dealt with some of the demands which had been made and described some of the concessions contemplated.

On June 13, at the chairman's instance, union representatives met me. I told them clearly that under a strike threat, there could be no question of any further negotiations. I also repeated the offer to refer the entire dispute to arbitration under the recognised processes of law.

Fernandes held a press conference on the following morning. He threatened a strike that night if the management's attitude towards the workers' demands remained adamant. A strike could be averted, he added, if a private arbitrator—not an industrial court appointed under the B.I.R. Act—was appointed at once.

Ultimately, in response to an appeal by the chief minister, the threatened strike was called off, a few hours before it was due to begin. The chief minister appealed to the workers' leaders to withdraw the strike move and pave the way for negotiations in a better atmosphere. He asked the management and the union leaders to understand each other's problems, consider the demands and suggestions of each other sympathetically and try to settle matters amicably. He added that his good offices would be available to the parties in the negotiations.

Shortly afterwards, along with the chairman, BEST committee and the leader of the Municipal Congress Party, I met the chief minister, to whom we explained the entire case. The chief minister said that he had made it clear to Fernandes that extravagant demands, which would operate to the detriment of the undertaking could not be conceded, and that the matter should be settled by *mutual discussion of the demands themselves as well as the operational economies that were being suggested by the management.*

Thereafter, the union representatives resumed discussions with me. Their attitude was now far more constructive; a number of demands were dropped during the ensuing discussions, others were scaled down, till their total financial effect came to about Rs. 50 lacs. A good deal of progress was also made in regard to the operational economies which had been suggested. On my part, I suggested that the union men might go over the accounts of the undertaking, if they thought—as they had claimed during the crisis—that we had the resources to meet their demands but were unwilling to do so. Narayan Phenany, general secretary of the union, turned this suggestion down with the comment that the union did not want to fall into such a trap.

About this time, *i.e.*, between June and August 1967, two notes relating to the discussions were set down and given to the union after one of the meetings with them. One of these summarised itemwise the progress made in negotiating the demands themselves, and the other related to the operational economies which had been discussed. There was, however, one union demand which I had indicated, should be discussed first with the assistant general manager. This had been done, and the results had been included in the summary, although I had not myself considered it. The tentative character of the understanding on this point was also indicated in the summary.

Throughout this period the union's general secretary was constantly pressing me to draw up a draft agreement embodying the conclusions already reached. I kept saying that this could be attempted only after we finished our discussions on all outstanding points, including, of course, the operational economies. I explained that I would not be able to

persuade the BEST committee to accept demands that were not offset to a large extent by savings.

In the course of the negotiations it was necessary to calculate the financial effect of each of the demands as ultimately scaled down, as also of the saving which would accrue from the operational improvements that had been proposed. The union representatives were constantly questioning the estimates that our staff had drawn up in this respect. This had been happening from the very beginning; for instance, our assessment of the union's charter at well over Rs. 4 crores was seriously questioned by the union representatives, including George Fernandes himself. Their estimate was much lower. On the assessment of the savings that would result from the operational improvements, the union made certain calculations after discussions with the time keeper and the personnel officer of the undertaking, and supplied to the personnel officer a statement of their estimates. This statement contained the same items as were included in our list of operational improvements, which the union later said it never received, and the items occurred in the very same order. The fact that the effect of the improvements was being calculated and debated also indicates that the concept of balance between the concessions and the improvements was already a background to the negotiations.

By August 1967, agreement had still not been reached on some of the operational improvements that had been proposed, and there was consequently a serious imbalance between the demands and the savings. There was also no identity of views on the date from which the concessions would operate, the union demanding retrospective effect, while I pointed out that the offsetting economies could not operate retrospectively. The period for which our agreement would be valid was also not agreed upon. Since further negotiations did not seem likely to be fruitful, the union representatives apparently asked the labour minister to intervene, and perhaps even tried to secure the chief minister's intervention. As a result of this, the leader of the Congress Party in the corporation (Dr. Shanti Patel), the chairman of the BEST committee, the municipal commissioner and I were summoned to Nagpur on November 17,

to meet the chief minister and the labour minister. The union representatives were also present, including Fernandes.

Meanwhile, the union began to feel that it was losing ground with the workers. In elections held for membership of canteen committees, the union did not win a single seat; the other unions were evidently gaining ground.

During the Nagpur meeting with the labour minister, the municipal commissioner objected to one of the items which had been proposed for settlement, namely, the grant of a house rent allowance to BEST employees who had not been given quarters. The municipal commissioner explained that this concession would have unhealthy repercussions on his own staff, whose demands were then pending before an arbitrator for settlement. There was also discussion about an extra increment for the traffic department employees which the union was demanding and which had not been accepted by the management. In regard to one of the outstanding issues, namely, running of all single decker buses with one conductor, Fernandes and his colleagues expressed doubts about its practicability. They suggested that the matter be settled by reference to a committee consisting of 3 corporators. This was acceptable to me. (I did not, perhaps, make it clear at that time that a settlement could be reached only if such a committee reported favourably on the change; otherwise, from where would the savings come?)

The Nagpur discussions did not reach any definite conclusion. The chief minister was indisposed at the time; so no discussions could be held with him. It was decided that Fernandes would continue discussions in Bombay with Dr. Shanti Patel, after which they would both meet the labour minister in Bombay on November 24.

Early in December the press carried a news item, inspired apparently by the union, to the effect that the management and the union had reached agreement on the demands at Nagpur. On December 15, I issued a press note refuting this.

The progress of discussions in Bombay between Dr. Shanti Patel and the union leaders was desultory, but by the third week of January 1968 the union seemed to have again become impatient and blamed Dr. Patel for evasion. The

impatience may have been related to the fact that the election petition filed against Fernandes was apparently resulting in a decision in his favour.

I had earlier, on December 22, 1967, got the BEST committee to concede one of the union's demands, *i.e.*, the one relating to a canteen subsidy, amounting to Rs. 1 lac yearly.

On January 20, the newspapers carried news of a threat by George Fernandes. It said that the negotiations had continued too long, and that if the demands were not quickly conceded the workers would strike 'any time next week'. I was then due to go to Madras and Ernakulam at the end of the month for a meeting, so it was essential that I assess the chances of a strike materialising. 'Next week' was to begin on Monday the 22nd. The 22nd, 23rd, and 24th were too soon; there had to be time for the threat to have effect. Management and the political authorities must get a reasonable period to hurry a decision through. In any case, if the 22nd and 23rd passed uneventfully, there would be no crisis on 24th and 25th. For 26th was a holiday, Republic Day; the 27th and 28th were a weekend. A strike that drew most of its effect from the hardship it caused the public could never succeed during a holiday, or if it started too near one. The 29th, 30th and 31st were possible, although they just preceded February 1, which was pay day for the clerical and administrative cadres in the undertaking. But these dates too were unlikely, unless Fernandes reckoned on a very quick surrender by management, perhaps at the behest of the chief minister.* For clerical personnel would otherwise be kept without pay after a long month; also, the undertaking's food-grain shops would remain closed and quite a number of workers would be rationless. For similar reasons, and because the 3rd/4th was a weekend, the 1st and 2nd February were improbable, and the 5th and 6th too near the engineering employees' pay day (7th) to be feasible. Engineering workers were the mainstay of the union. And the traffic workers (about 16,000) would get their pay on the 10th.

*After the strike Narayan Phenany, the Union General Secretary and Fernandes' right hand man in BEST affairs, told me this had been their reckoning.

So it was clear that a strike at that stage of the month was practically ruled out. If there had to be a strike, the 29th, 30th and 31st were the only possible dates for its start, and there would have to be strong hopes of quick extraneous intervention, probably by the chief minister, to induce management to settle. The internal signs were all missing. Discipline was good; there were no instances of insubordination, of quarrels between workers, or with management.

I was sanguine that no sagacious labour leader would take his workers out until after February 10, when the majority of them would draw their wages. And so on the 24th I left for Madras, where I was to stay till the 29th, before going to Ernakulam.

Before leaving, I wrote to the BEST committee recommending some substantial concessions, of the value of Rs. 20 lacs:

1. grant of an increment to traffic employees and an extension of their pay scales by the addition of three more incremental stages;
2. free travel for traffic staff on our buses; and
3. a leave concession to cover the cost of travel during leave to an employee's home and back.

I also wrote:

In dealing with the Union's demands, it is constantly necessary for us to bear the Undertaking's financial conditions in mind. We are by no means in a position to indulge in any extravagance, and there can be no question of our being able to meet the demands in full. In my negotiations I have tried to offset the extra cost of concessions by securing the Union's agreement to the introduction of certain operational improvements and economies but the union has unfortunately not been able to accept some of the economies I have wanted to introduce and consequently, in the light of the Undertaking's financial conditions, I am compelled to limit my recommendations...

I also reported that the union had dropped some other demands. The committee was due to consider this letter on February 2.

II

STRIKE DIARY

I left Bombay confidently, but I was wrong. On 28th night a phone call from Bombay told me that George Fernandes had announced that if nothing happened on 29th, if the undertaking did not at once conclude the 'agreement' I had made with the union, the workers' action committee would decide on the next step, which might be a strike. I spent the 29th trying to find out how soon I could get back to Bombay if the strike were to materialise. No seat was available on the plane, but the reservations office was helpful and hopeful.

On the 29th night, there was a call from my assistant. George Fernandes had won his case in the election petition, and had immediately decided to call a strike from midnight. He had again shed his role of union president, and revived the action committee. I said at once that I would try to return to Bombay on the following day, and that no buses should be run in the meanwhile.

Tuesday, 30th January

Returning to Bombay on the 30th, I read the *Times of India* on the plane. The BEST committee chairman had told reporters that in my talks with the union, I had tried to offset the extra cost of concessions by securing the union's agreement to the introduction of operational improvements and economies. But the union had not accepted some of the economies. Dr. Shanti Patel had said that the story of the general manager's 'agreement' with the union was a lie.

When I got to Bombay the buses were off the roads, and at 4.30 in the afternoon the street lights were on. I reached my office at 5.30 p.m. It was quiet and empty. Only the chairman and a few senior officers were at work; they had just summarised the undertaking's position on the strike, for a press hand-out. The strike, they told me, was almost total; barely a handful of workers were on duty. Our electric supply installations were manned round the clock by officers; the street lights would not be put off while the strike lasted, and

no buses had been plied. I wrote out a press note and despatched it to the press*.

Immediately on arrival I was also told of a series of peremptory messages from the mayor that I must call him and meet him in his office directly after I got back. In my absence, the mayor had, during the day, sent for some of the BEST senior officers to acquaint himself with the circumstances that brought on the strike and to explore the possibilities of a settlement. Sensing a possible sell-out by the mayor, the committee chairman had walked into the mayor's meeting with the officers, only to be badly snubbed and turned out. The BEST officers could naturally not give the mayor any indication of our inclination to settle or otherwise, and the conference ended with the peremptory messages for me.

After hearing this, I decided to defer my call on the mayor till I was clear about the political background in which we were operating. It was necessary to find out how firm the politicians were going to be; earlier strikes had generally succeeded because the management had adopted a position farther out on a limb than the political powers turned out to be capable of supporting. So the chairman and I met the BPCC president and Shanti Patel, the leader of the Municipal Congress Party. Both were firm and averse to any parleying with the strikers or their leader. Dr. Patel had earlier met the chief minister and apprised him of the events that had preceded the strike. The chief minister had approved the adoption of a firm line of action. The mayor's intervention was going to be embarrassing, they agreed; but it was best to humour him.

From there the chairman and I went at about 7 p.m. to the mayor's office. The ante room contained a crowd of press photographers and reporters, who had been impatiently waiting for us to arrive; the mayor had apparently told them he was going to talk to the management, and would have something to tell them.

We found the mayor in a black mood; he began with rudeness to the chairman and continued it to me. Why had I made him wait all this time? Why did the chairman

*See Annexure II for reproductions press releases and of advertisements issued from time to time.

have to come? I explained that I had returned to Bombay only about an hour and a half earlier, and had not even gone home, and that it was I who had asked the chairman to accompany me. What seemed to have irked the mayor more than anything else was the fact that his big moment had been held up. The pressmen had become impatient.

To the mayor we briefly outlined the circumstances that had led up to the strike; we said the strike would have to be called off unconditionally before any negotiations could start. The mayor stated his concern over the hardship the citizens were suffering, and his anxiety to mediate in the dispute quickly. He was obviously critical of our refusal to negotiate under duress. I suggested that before he attempted mediation, it would be useful to be properly briefed, which I volunteered to do later. At length the pressmen were let in and they took pictures that told a troubled citizenry the next morning how earnestly the mayor had been trying to resolve their problem.

He was then joined by his wife and both left for a cocktail party.

I had hardly got home from his office that the mayor and his wife were announced. The party had been apparently forgotten, and the mayor continued his discussion of the strike. He had had a meeting with George Fernandes, who had convinced him that I had made an agreement with the union to concede demands to the extent of Rs. 50 lacs, and that I was now backing out of it because of political pressure from the BPCC. My efforts to rebut this view were unavailing and the mayor left my house an hour later quite resentful of my intransigence.

The mayor's enormous eagerness to intervene and reach a solution appeared to me to be due less to his concern for the citizenry than to his desire to capture the limelight, and, more importantly, to his hope that George Fernandes would in turn help him in his own municipal election due in a couple of months. He was also motivated by a desire to 'get even' with Dr. Shanti Patel for whom he had felt hostility for a long time. He advised me to tread warily as the state government's continued support of our position could

not be reckoned upon; there might even be intervention from the Union home minister.

Wednesday, 31st January

The strike was still nearly total.

The mayor seemed to have told the press that he expected a settlement in a day or two. The source of his optimism was obscure. He resumed his efforts at midday, at a meeting in his office. The chairman of the BEST committee, the leaders of the ruling party and the opposition in the corporation, George Fernandes, the union secretary and vice President were present. The mayor explained the reason, the urgent need, for his efforts at intervention. When he had done, I asked what we were to discuss, since George Fernandes had severed his connection with the union and the union officials were not connected with the strike. This was brushed aside as technical.

Fernandes set out his position, referring to the so-called draft agreement settled between the general manager and the union. He dramatically produced a statement, 'typed in the GM's office, and bearing the initials of the GM's typist and corrections by the GM's Personnel Officer'. This statement bore the telling title:

Charter of Demands Presented by the BEST Workers' Union

Summary of Agreement Proposed to be Entered with the Union Subject to the Sanction of the Committee and the Corporation.

The concessions in this statement had been evaluated at Rs. 50 lacs and the general manager had agreed to them. The management had accepted certain demands, and the union had dropped many others, so that the claim that the union was demanding Rs. 4 crores was entirely wrong. The only question that remained unsettled, the only reason why the draft agreement had not been finalised was a difference of opinion about an additional concession that would cost Rs. 6 lacs. All he was asking was adoption of the agreement that the general manager had worked out with the union,

and the strike would at once end.

As soon as he finished, I asked Fernandes where the second part of the papers we had exchanged with the union were, the part which referred to the operational economies that alone would make concessions possible. Fernandes denied that there was any second part, and the union's general secretary with whom these papers had been exchanged, stayed silent.

An acrimonious discussion ensued. Dr. Patel again made it clear that only an unconditional withdrawal of the strike could make any further negotiations possible. The opposition men expressed disbelief of our stand, the mayor too seemed sceptical. After further heated exchanges, the meeting dispersed.

In the afternoon, the mayor addressed a press conference. He appealed to George Fernandes to call off the strike, after which he (mayor) would mediate between the parties.

At six that evening I met the state labour minister. He had talked to George Fernandes earlier in the day. Fernandes had told him in advance of his intention to call the strike, but the minister had asked him to wait till the 31st, to meet the chief minister, who was not available earlier. But Fernandes had called the strike. The labour minister enquired what should be done, and I said that if the state government were to refrain from intervening, the strike would inevitably collapse. The minister referred to the possibility of other complications, such as a sympathetic strike of taximen or municipal workers.

The chairman and Dr. Patel then joined us. The minister said that in view of the history of the case he would have to explore with Fernandes the chances of settlement. Dr. Patel demurred; he added that we were determined not to negotiate till the strike was called off unconditionally. He indicated a possibility that Fernandes might call off the strike; Fernandes had sent the mayor a list of conditions for cancellation.

Later, it was revealed that Fernandes' conditions were:

1. The general manager agrees to place the draft before the BEST committee for approval immediately.

2. The general manager submits to the mayor the demands which he claims to have made on the union, and accepts his mediation thereon.
3. The union submits to the mayor the demands that are still pending settlement.
4. The general manager agrees that there will be no victimisation of any worker and no action of any kind against the union for being involved in the strike.

These conditions were contained in a letter Fernandes wrote to the mayor hours after he had received the latter's appeal. The mayor remained sanguine about the outcome. He was evidently enjoying his prospective role as mediator.

The management's reactions were summarised in an advertised press statement.

Thursday, 1st February

Attendance negligible. A few workers had been beaten up on the previous day. The press was full of the mayor and his efforts and his optimism. Some newspapers tended to criticise the employers for standing on prestige, by insisting on withdrawal of the strike before negotiation; yet the general manager came off a little better than the political chiefs.

Shortly after noon, the chairman and I went to the labour minister. I showed him the papers we had, especially the statement of operational improvements (OI) of which the union was denying receipt, as well as the union's own calculations of our savings therefrom. The minister tried to persuade us to concede demands up to Rs. 44 lacs, on the basis that the economies already agreed to would produce a saving of Rs. 33 lacs. He thought we could 'somehow' meet the additional commitment of Rs. 11 lacs. I said further concession would be possible if the state government agreed to forego or reduce its passenger tax. I showed the minister a letter I had got that very day from the state Motor Vehicles Department demanding immediate payment of the tax and imposing a penalty of Rs. 5,000 a day for further default. The minister could give us no assurance in this respect; he said we should discuss this with the chief minister. We came

away, agreeing to meet again in the evening. The minister was visibly unimpressed by our case; it was evident that Fernandes had convinced him that I *had* agreed to concessions unconditionally.

At the municipal corporation meeting that afternoon, Fernandes moved an adjournment motion on the strike. He described the course of the negotiations before the strike, flourishing the so-called agreement, blaming the ruling party for blocking it. He particularly deplored the general manager's daily advertisements of the undertaking's case in the press: was it proper to spend money on advertisements when the undertaking was in financial trouble? The leader of the opposition seconded the motion. The Congress Party leader opposed it, and it was lost (30-42), after which opposition members walked out.

At 8 that night, Dr. Patel, the BEST committee chairman and I met the labour minister again. The minister continued his persuasive efforts, and we repeated our earlier stated views, emphasising that the undertaking had no resources to meet the workers' demands.

Later that night (11 p.m.) there was a totally unexpected guest at my home: the mayor. He was already in a highly animated mood, having just left a successful dinner party. Earlier in the day he had talked to Fernandes, and had been fully convinced of the strength of his (Fernandes') position. He was scornful of ours—our story of OI stipulations was thin. And he too deplored our newspaper publicity, particularly the advertisements, which he said, were improper and could get us into difficulties. He advised me to discontinue them.

It was obvious that he had identified himself with Fernandes' position. The mayor again told me why: he was expecting help from Fernandes in his forthcoming election campaign. Although a Congress candidate, he could not reckon on whole-hearted support from his own party. And his remark about our advertisements was revealing; Fernandes too had commented on them vehemently in the corporation debate. Clearly, Fernandes was apprehensive about the effect of such publicity on the public.

I did what I could to demonstrate to the mayor the

truth of our case, but it was not till I showed him the files, which happened to be with me, that he was convinced. What clinched the case was the statement the union had drawn up showing their calculations of our OI. This changed his mind completely, and he left at 3 a.m., fully satisfied about our position, and vowing to rouse Fernandes at once. He assured me that Fernandes would call the strike off by 8 that morning, and he (mayor) would then mediate. He left Electric House a happier and a more exuberant man than when he had come.

But his exhilaration was short-lived. He did rouse Fernandes, and they had a talk on the cold and windy fly-over near Kemp's Corner. George Fernandes, however, did not agree to the mayor's suggestion.

Friday, 2nd February

Attendance as before. We searched in vain for indications that the passing of pay-day for clerical and administrative workers would induce a spurt in attendance. Hardly any one came to work.

One factor which we had thought might deter strikers was the grain ration system. About 4,500 workers draw grain from our shops. Ration issues begin on the 2nd of the month, but this month there were no clerks to operate the shops. The resultant food shortage would plunge these workers into great distress. Rather than expose ourselves to unsavoury accusation on this account, I wrote to the union suggesting it make clerks available to run the grain shops. But there was no response, and the shops stayed closed.

The BEST committee met in the afternoon. The chairman and I apprised it of the various discussions we had had. Because of the strike the committee postponed consideration of the proposals I had sent on the 24th January, relating to the workers' demands. I informed the committee of the steps I was taking to get the strike declared illegal by the labour court; I also told the committee that other action too was in progress—to get a competent court to prohibit continuance of the strike, to prosecute its leaders, etc.

In the evening, Fernandes held an impressive rally of BEST workers outside the corporation offices which were

virtually surrounded for four hours. Traffic at this important junction was at a standstill. George Fernandes said there was no question of withdrawing the strike as a prerequisite for mediation. In fact, the strike would escalate; there would be a 'Bombay Bandh' at a moment's notice. On one day taxis would go off the roads; on another, municipal and hospital staff would keep away; on a third, the state Transport Corporation's staff would absent themselves, and so on. The prospect was disturbing, as it was designed to be. Fernandes declared that he would resign from public life if the second part of the draft agreement—the OI statement—were proved. He also spurned Dr. Patel's offer of arbitration on the demands, and praised the mayor's efforts to end the strike.

At night, the chief minister and labour minister discussed the situation with the strike leaders. Talking to newsmen, the chief minister discounted the possibility of other sections of labour joining the strike, but was unable to induce Fernandes to soften his attitude. He said he had heard the workers' case, and would hear the other side on the next day.

Saturday, 3rd February

The labour minister called us to meet the chief minister at the latter's house in the morning. When I got there, the chairman and Dr. Patel had not yet arrived. The labour minister gave me the draft of a statement he had drawn up for issue by the chief minister:

I am concerned for the citizens who are inconvenienced by the four/five day old strike of the BEST employees. I do not wish to go into the merits of the case of either party, though I hold the view that the workers should not have taken recourse to direct action and put the travelling public to hardship, specially when I was to have talks with both the parties on the 31st of January, 1968. In order that this dispute may be finally settled and the city saved from further trouble I advise the General Manager of the BEST Undertaking to put up before the BEST Committee for their consideration the summary of the Agreement proposed to be entered with the Union, a

typed copy of which was given to the Union in August 1967. I appeal to the members of the BEST Committee and of the Municipal Corporation to give sympathetic consideration to these proposals.

I have the assurance from the leaders of the BEST workmen that all the commitments that they have made towards effecting economies and increasing productivity in the Undertaking will be honoured by them.

I recommend to both the parties to continue to negotiate on such demands of both parties that remain to be settled, and in the event of their failing to come to an amicable settlement to submit the same for arbitration to a third party mutually acceptable to both sides.

I hope that all the concerned parties will accept my advice and put an end to the present dispute. I would also appeal to the management and the workers not to indulge in mutual recriminations and to desist from any action that may further undermine the cordial relationship that is so essential for providing these vital services to the city.

I was appalled, and had difficulty in concealing my utter dismay. The state government had apparently decided to let us down, although we had had no indication whatever that it deprecated our stand. In fact, the chief minister had always told us how firmly he had impressed on George Fernandes the need for restraint in regard to BEST problems.

Presently, the committee chairman and Dr. Shanti Patel arrived. They too were greatly perturbed when they read the draft; they expressed their dismay. The chief minister said he was keen to get the strike called off before leaving Bombay for the weekend. While we were still discussing the problem, a minister from Goa arrived with his wife, and the chief minister left us to talk to them. I then suggested to the labour minister that I make a few changes in the draft statement and bring it back to him that evening. This he accepted, and we came away.

I then drew up another draft:

I am most deeply concerned about the citizens of Bombay

who are suffering untold hardship because of the five-day old strike of the BEST employees. I do not propose to go into the merits of the case of either party to the dispute, though I do not think it right for the workers to have resorted to direct action without regard for the hardship they have caused to the travelling public. All the more so when I was to discuss the case with both parties on the 31st January.

I have considered the situation in which the Undertaking is placed and am satisfied that it cannot concede demands from the workers without either increasing bus fares again or offsetting the cost of such concessions by increased productivity and operational economies. I am afraid I cannot advise a rise in fares.

To settle this dispute finally and save citizens from further hardship, therefore, I would strongly urge the workers to call off their strike at once, and the General Manager and the BEST Committee will then, I am assured, deal promptly and sympathetically with the workers' demands, some of which can in my opinion be conceded if the workers cooperate in effecting the economies which the management has proposed. The leaders of the BEST workers assure me that they will faithfully re-examine the possibility of accepting those of the economies which are not yet agreed to.

Should the parties still fail to come to a settlement, I recommend that they submit the entire case for arbitration.

I hope that all the parties concerned will accept my advice and put an end to the present dispute.

In the evening we met the labour minister at his house. He said our draft was quite unacceptable, and continued his efforts to induce a concession from us. After a while we went over to the chief minister's home, where we went over more or less the same ground as we had with the labour minister. We also expressed readiness to have the dispute referred to arbitration. No decision was reached.

Later that night the chief minister had further talks with

George Fernandes. Fernandes rejected the chief minister's suggestion that the issue be referred to arbitration by a judge. The same day he took the first step in his threatened escalation of the crisis. The Taximen's Union, of which Fernandes is president, announced an indefinite taxi strike from the 5th (Monday), and the Hind Mazdoor Panchayat started preparing its other affiliated unions (hotel, hospital and municipal workers) for sympathetic action.

Sunday, 4th February

A day of rest, comparatively. The strike as total as ever.

No word from anywhere, except a phone call from the labour minister, who asked me to think of some economies (other than those already discussed with the union) that could offset the cost of the concessions the union wanted. I promised to report on the following day.

But the untiring minister continued throughout the day his talks with George Fernandes, talks which, Fernandes told newsmen, paved the way for a 'smooth' continuation of the settlement talks.

In the afternoon, a meeting of trade union leaders held at the Bombay Labour Union office expressed support to the BEST action committee to arrange a 'Bombay Bandh' any day after the 10th. It also decided to organise a 'marcha' to the legislature hall on the 7th.

A Sampoorana Maharashtra Samiti rally was held in the evening at the Kamgar Maidan, to launch the Samiti's campaign in the civic elections. George Fernandes declared there: The Bombay Bandh is on. This (taxi strike) is the beginning. Monday midnight will be the hour of decision for the city's one-lac hotel and canteen workers for joint strike action. On Monday 30,000 municipal employees would finally decide whether to stop work.

Practically from the 1st day of the strike, the suburban railways had been running a number of extra trains to alleviate commuters' hardships. And now the Swatantra Party, which deplored the strike, announced that it would operate a truck service to help some of the numberless commuters who needed road transport. There were also efforts to induce car owners to offer lifts to pedestrians.

Monday, 5th February

The taxi strike is on, from midnight on the 4th, so citizens are even harder hit than before, and there is no prospect of improvement at all, except for a skeleton truck service. Cinema goers were stranded last night. The newspapers say the taxis are off the road indefinitely. Astonishing, because the last 5 days of the bus strike had been a virtual gold strike for them. Scarcely any of them had run at the meter rates.

But by noon it became known that the taxis would come back on the roads at midnight. George Fernandes announced that he had called off the strike in response to an appeal by the labour minister, who had also suggested that further sympathetic strike action be stayed till the chief minister's return to the city on Tuesday morning. But there were a number of people who ascribed the union leader's sudden considerateness for citizens' well-being to a resurgence of feelings of self interest among the cabmen.

After lunch I discussed with the chairman, the leader of the party and the BPCC president the new 'economies' I was going to propose to the labour minister, in response to his request of the previous night. I then reported to the minister at his house. He did not agree with my suggestions, but explained to me the union's proposals for economies. These were: (a) a work study in the bus workshop, which would reduce the staff to bus ratio and eventually save us an annual Rs. 19 lacs, and (b) a voluntary retirement scheme to dispense with the services of surplus workers. I said at once that neither of these would help us out of the present situation. Work studies were already in progress, but this was a very slow process indeed, and savings of the magnitude envisaged could come about only after many years of study. The voluntary retirement scheme was one I had myself thought up and was being put up for corporation sanction. But this too could not produce spectacular economies. The minister asked me to think about these suggestions nevertheless, and to continue my search for other economies that the union might find acceptable. When I left the minister, some labour leaders had arrived, including S.M. Joshi.

The minister telephoned again at night to persuade me to accept the union suggestions. He enquired too about

further possibilities. I called him back in an hour's time with some other ideas. He did not approve of them.

By this time another apprehension had arisen. It was widely rumoured that the Union home minister, who had formerly been chief minister of Maharashtra, would arrive in Bombay in a day or two. Here was a new factor that could tilt the scales either way. Mr. Chavan's endorsement of our position would, of course, renew our strength, but if his natural concern over the citizens' hardships and the possible threat to law and order should lead him to induce concessions out of us, it would be very hard indeed for the management and the ruling party to resist. So it was with some relief that I learnt from Shanti Patel at 9.30 that night that the home minister was after all not coming to Bombay, but would stay for a few days in Poona. S.M. Joshi left for Poona to meet him, after his talks with the labour minister and the mayor.

At the corporation meeting in the afternoon, another adjournment motion by the leader of the opposition was lost (33—48).

Speaking to a rally of municipal and BEST workers at Azad Maidan in the evening, George Fernandes claimed that the state government was convinced of the existence of a draft agreement between union and management to concede Rs. 50 lacs without any conditions, but a government spokesman denied that any minister had said so. The undertaking's claim, Fernandes said, that concessions would imply a rise of 5 paise in bus fares, was quite false.

The mayor sent a report to the chief minister at about this time, setting out the facts as he had been able to ascertain them from the parties. This report, which was later to become controversial, appears to have endorsed the union's position, despite the nocturnal discussions on the 1st February.

Union leaders again threatened sympathetic strikes by workers in other sectors. George Fernandes said taxis would also join the general strike, but the rival taxi association declared that taxis had stayed off the road under duress, out of fear that the vehicles would be attacked and damaged.

The Jan Sangh also came out against the strikers, deploring the fact that the BEST union leaders were holding citizens to ransom. It warned that the people would resist any rise in bus fares as a result of the strike, and would not allow a 'bandh' to succeed against the public interest. And the newspapers reported that some citizens were collecting signatures to a petition to the chief minister urging a 'strong line against the irresponsible strike'. The Nagarik Seva Mandal in a statement said it was time the citizens taught a fitting lesson to George Fernandes who had precipitated the strike, causing hardship to the common man.

Attendance was as thin as ever. BEST engineering and electric supply workers were due to draw pay on the 7th. I issued a notice warning workers that payment on schedule would not be possible because there was no staff to prepare the paysheets.

Tuesday, 6th February

The labour minister phoned at 8.30 a.m. to ask if we had thought of any more economies that the union might be induced to accept. No, I said.

A little later Shanti Patel phoned to say that a few Congress municipal councillors had been despatched to meet the home minister at Poona, explain the case to him and ward off any intervention. I suggested that we try to operate a skeleton bus service from the following day. I had a feeling that a large number of workers were just waiting for a lead of this kind; they would then come on duty en masse. We decided to consult the police.

But the police commissioner was very unenthusiastic; such a move would precipitate violence. Later in the day he phoned to say that the home secretary agreed with his view.

By mid-afternoon the Poona party returned with the welcome news that there would be no intervention from that quarter. The Union home minister considered that the strike was a state subject. S.M. Joshi corroborated this, but blamed the BPCC for trying to crush the strike. He suggested that BEST accept the agreement it had reached with the workers, which it was seeking to repudiate.

Throughout the previous week Shanti Patel had been in

touch with some of the important labour leaders in the city, being himself a labour man of some standing in the INTUC. It now appeared that a few of these leaders had begun some activity in relation to the crisis. A 3-man group of union leaders representing port and dock workers (S.R. Kulkarni), engineering workers (R.J. Mehta) and textile processing workers, railway, chemical and film workers met George Fernandes, who explained his case to them. They suggested that since the existence of an agreement was disputed, this dispute should be judicially enquired into. Fernandes would not accept this suggestion. After this, they declined to issue a statement that their unions supported the strikers. Nevertheless, they agreed—probably at Shanti Patel's instance, to scrutinise the documents with us relating to the dispute and satisfy themselves about our position. This was fixed for the following day. The disinclination of other leaders to lend their support to George Fernandes' strike was becoming apparent.

By now there were distinct signs of a swing of public opinion against the strikers and George Fernandes. Apart from repeated declarations by the Jan Sangh and Swatantra parties, and a strong resolution passed at a special meeting of the BPCC, a number of individuals and social organisations telegraphed the chief minister urging a tough line with the strikers. Thousands of copies of an appeal were distributed in the city urging the BEST authorities not to yield to the 'illegal, irresponsible and undemocratic strike' under any condition. 'We are all by you. We are ready to face the hardship and inconvenience. We appeal to you to take all legal action against the illegal strikers and their leader, and be sympathetic towards the workers, but never under pressure or blackmail', the leaflet said. And a 'janta morcha' was planned for the following day, in opposition to the strike. The newspapers carried a number of letters from readers whose indignation had been aroused by the facts our daily advertisements had explained. And we ourselves were receiving letters of approbation and encouragement. A number of Congress MLAs called on the chief minister, and urged him not to hold talks with the strike leaders, as their action was illegal. Several employers' associations—the All

India Association of Industries, the All India Manufacturers' Organisation, the Bombay Chamber of Commerce and Industry, the Employers' Federation of India, the Indian Merchants' Chamber, the Maharashtra Chamber of Commerce, and the Millowners' Association—issued a statement condemning the strike. They said the attempt to force the acceptance of demands under duress by widening the area of hardship in encouraging taxis to go off the road was irresponsible. This, coupled with the threat of a 'bandh' was calculated to hold the city to ransom. They urged the authorities to do nothing direct or indirect to boost this patently illegal strike.

That night George Fernandes addressed a 'mammoth' rally of workers at Shivaji Park. He called on the workers of other sympathetic unions to keep themselves in readiness for any further action. (Our reports said Fernandes' audience that night numbered less than 1000).

Earlier, he had met the labour minister. To newsmen, after this meeting, George Fernandes said that if no settlement could be reached, the action committee would consider further measures to press the workers' demands. And, for the first time during the struggle, he added: 'if necessary, I will go down fighting'. He met the labour minister again at night after the rally, but no developments took place.

I had that afternoon held a press conference (*see Annexure 1.*) I set out our entire case, giving a brief history of the course of negotiations. Fernandes insisted, I said, that there was an agreement with the union on various demands, but would not admit the undertaking's stipulation of operational economies. I produced the papers on which our contention rested, distributing photostat copies of their heading which read:

Operational improvements acceptance of which by the workers has been made condition precedent to grant of any concessions arising out of the 'Charter of Demands'.

If this stipulation was the sole question on which the strike issue rested, I said, it was a simple question of fact, which could be simply resolved by referring it to a judge for deter-

mination, instead of letting the strike continue.

I also said that many employees had written to me that they wanted to come to work, but were afraid to do so because of intimidation.

We approached the labour court for a declaration that the strike was illegal. The first hearing was fixed for the 8th. I also initiated action to secure an injunction against continuance of the strike, which our counsel told us was possible if we were to sue the action committee and its leader for damages.

Wednesday, 7th February

Another phone from the labour minister. Any more operational economies to suggest? I had none.

And later, the chairman telephoned that he was to meet R.J. Mehta and other trade unionists today to explain our case to them. He added that the chief minister's attitude to the strike had not firmed up.

The Sampoorna Maharashtra Samiti organised a morcha (5,000) to the legislature building to protest against the state government's inaction on the Maharashtra-Mysore border issue. This almost became a demonstration in support of the strikers, particularly when the 'Janta Morcha' of citizens (3,000) expressing their opposition to the strike, and to bandhs, approached it. The 'Janta' demonstrators delivered to the chief minister a petition signed by 20,000 people urging him to be firm. 'We are prepared to bear the hardships till the irresponsible, anti-social and the so-called labour leaders are brought to their senses so that they may have no courage to disrupt the normal life of the city at any time in future.' The Janta morcha was a new feature in the history of labour crises in Bombay, and one that evoked praise from the chief minister. He said it was the first time the people of Bombay had shown that they would not submit to pressure.

During the day and again at night, S.M. Joshi and George Fernandes met the chief minister and labour minister, but there was no outcome. S.M. Joshi made the usual claims that the agreement was morally binding on the management. Fernandes also met the MPCC president, Vasantrao Patil, (secretly, the press said) and explained his case to him. This

was a remarkable development. The approach, and the secrecy in which it was shrouded, seemed to indicate a considerable erosion of the overwhelming confidence Fernandes had displayed at the outset of his strike.

A leader of one of the rival unions in BEST brought information that another lot of drivers and conductors wanted to join duty. The number was still small, but reliable reports kept coming in from various sources that substantial groups were eager to resume duty but were still afraid of violence to them or their families.

Thursday, 8th February

The day begins with a meeting with the chairman, Dr. Shanti Patel and the president, BPCC (Hafizka). The president says that the leaders of the INTUC unions had promised to get 350 bus drivers to duty on the following day, and we could then operate a skeleton service. I said many more would come if they could count on safe conduct to and from their work places. If workers could report at police stations in the city, we could transport them to their depots from there; we could also run workers' buses from Churchgate and VT rail termini. The meeting agreed that this course should be adopted, after clearance with the police, who should also be consulted about our desire to run buses.

Considering the report that George Fernandes had approached the MPCC president on the previous day, I got Hafizka to telephone Vasantrao Patil to persuade him against intervention. When Hafizka phoned, George Fernandes was closeted with Patil, whom he was trying to induce to go with him to the chief minister. Patil assured the BPCC president that he did not intend to do so. The signs that the strike was nearing the end of the road were unmistakable. Nor was this surprising. The clerical and administrative workers' wages were already 8 days overdue; the 4,000 engineering workers should have drawn wages on the 7th, and the rest, about 16,000 traffic men, were to get pay on the 10th.

Next came a meeting with our legal advisers over the claim we were preparing against the action committee for damages and our request for an injunction against continuance of the strike.

The labour court also began hearing our case for declaration of the strike as illegal, but no conclusion was reached, although our own permanent legal adviser had assured us that the case would be decided in half an hour. (It was to drag on for 3 months more!)

In the afternoon I met the commissioner of police and later joined his daily tea party with his deputy commissioners. They all counselled against any attempt to run a skeleton service on the next day. Nor would they agree to let our workers report at police stations. A timid set of policemen, willing to take no risks at all!

That evening the BEST committee met for the second time during the strike; the chairman called the meeting at short notice. I reported events as I knew them, and got the committee's authority to take all legal action possible against the strikers and their leaders.

At a municipal corporation meeting, two adjournment motions on the strike were disallowed.

The crisis was, however, debated in both houses of the state legislature, which was in session. A leading communist member, who started the discussion, criticised government for indifference to the issues involved and the situation created by the strike. He asked the labour minister to release the letter the mayor had written to the chief minister about the union-management agreement. In reply the labour minister said the mayor's letter mentioned not only the concessions negotiated with the management but also the operational economies stipulated. He deplored the strike as unethical and quoted the janta morcha as showing an awakening among the citizens. The labour minister appealed to the union to withdraw the strike, after which the issue relating to the alleged agreement could be referred to an arbitrator. If the arbitrator found that the agreement was not conditional, the management would recommend it to the committee for acceptance. If the arbitrator found otherwise, the entire issue, *i.e.*, the union's demands and the management's efforts at economy, would be decided by the arbitrator.

The labour minister's reply in the house surprised those of us who had dealt with him during the last few days.

That night George Fernandes was to address a workers' rally at Chowpatty. There he would announce plans for a 'bandh' or other escalation. I happened to be dining at a friend's home near Chowpatty; after dinner we thought it would be a good idea to join the rally and listen to the proceedings. The speeches were restrained. Fernandes sketched the history of the dispute and appealed to the chief minister to release the contents of the mayor's letter. He said the chief minister, the labour minister and the mayor were convinced of the truth of the union's case. He had met Vasantrao Patil, president, MPCC, but some Congress MLAs of Bombay city had threatened they would resign if Patil intervened in the dispute. Fernandes informed the meeting that other sections of labour would not strike in sympathy. Turning his attention to other problems, he promised a Bombay bandh, not for BEST workers, but in protest against the new taxes he expected in the Central budget, due in 3 weeks' time! Here was an irrepressible passion for 'bandhs'!

Talking to workers at the end of the meeting, I found them dispirited. To our question 'What about a Bombay bandh in support of your strike?', we got a lifeless reply, 'who's going to shut down Bombay?' Yet they added wearily, the strike would continue.

So they thought, and so did I, though I knew the end was near. I did not know how near it was.

Friday, 9th February

The phone rang at 1 a.m. It was Shanti Patel saying that Fernandes had agreed to call off the strike on the basis that the dispute would go to arbitration in the manner the labour minister had outlined in the legislature. The chief minister wanted to know if we would accept this. I said we could hardly refuse a settlement of this nature even though it was obvious that the strike would collapse in any case; the public, which was with us, might be alienated if it suspected we were being unreasonable.

So he telephoned the chief minister and conveyed our agreement. George Fernandes had accepted what he had spurned—months ago, and again—days ago. The chief

Minister issued this statement to the press:

I am happy that the 10-day strike of the BEST Workers has come to an end, as both the parties to the dispute have accepted my proposal of arbitration. The issue whether the proposed agreement was conditional or otherwise will be decided by an arbitrator to be appointed by mutual consent. In case the parties fail to agree upon the name of an arbitrator, I will appoint the arbitrator. In the event the arbitrator decides that the proposed agreement was unconditional, the General Manager will recommend the same to the BEST Committee and the Corporation for its acceptance. In case he decides otherwise, all demands of both the parties will be arbitrated by him whose decision will be final.

I congratulate the citizens of Bombay for the courageous manner in which they faced the inconvenience caused to them by the stoppage of the city transport.

I appeal to the workers and the management to establish cordial relations and to cooperate.

I then called my principal officers to get them to operate our buses in the morning. Telephone calls and other messages of congratulation began to pour in. In office that morning I gave directions for all-out efforts to complete the workers' paysheets and arrange wage payments within 2 or 3 days by resort to overtime working.

III

CASE WRITER'S ANALYSIS

The story of the 1968 BEST strike illustrates firstly how limited the administrator's role is in a crisis of this kind. It also suggests that the outcome of such a crisis is seldom related to the merits of the controversy. It is largely determined by the alignment of political and economic forces as they exist at the time of the crisis. Let us see how.

In the first place there was Fernandes' failure to evoke from his powerful colleagues in the labour movement any-

thing more than lip sympathy. Perhaps this was due to his failure to canvas their support before launching his strike. Possibly his spectacular success against S.K. Patil at the polls, and again on the election petition, had aroused a certain amount of envy, just as Fernandes' own overbearing confidence must have inspired a more than subconscious hostility. Earlier, Fernandes himself had refused to support a leftist move for a 'Maharashtra Bandh'. In any case, Fernandes' preoccupations with parliamentary affairs, his bid to figure prominently on the national stage, prevented him from solid effort in the labour field, so that he was losing the foundation of his own strength: in the give-and-take of labour politics, therefore, Fernandes was going to have less and less to offer. Why then should he be helped, or rescued, in his own problems?

His colleagues' apathy was a severe blow. Sympathetic action by them would almost certainly have led to pressure from the state government (chief minister and labour minister) that would have been virtually impossible to resist. Particularly so if a Bombay bandh had led to serious acts of violence and the consequent police action. This is the course of events strike leaders want to provoke, because it generally unnerves the authorities and quickly leads to at least a partial surrender. The BEST strike, in contrast, was uneventful, from the strikers' angle dismayingly so, and the state ministry's efforts at mediation were accordingly mild and relatively sporadic. Had they been more obtrusive, the outcome might have been very different.

What determined the state government's course of action? The state ministry's policy is largely master-minded by Maharashtra's dominant political figure, Y.B. Chavan, the Union home minister. Had he desired effective intervention he could have come to the city at the appropriate time or else directed the state government's decisions from Poona. In the past, during his rule as chief minister of Maharashtra, he had generally settled BEST strikes. 'It is well known', wrote the *Economic and Political Weekly*, 'that Maharashtra Congress and particularly Chavan in his days as state chief minister, had been responsible for Fernandes' rise as a trade union leader. They had lent support to him in order

to weaken the once-powerful hold of the communists over the city's labour. But the situation has now changed significantly. Communist control over workers has weakened, and, as noted above, some of the most important unions are under trade union leaders who are not aligned with any political party. Fernandes' role of countervailing the communists is thus played out.'

Thus the strike became essentially an unequal struggle between the BPCC—operated by S.K. Patil and therefore seeking Fernandes' downfall—and the relatively weak SSP. The strikers, Fernandes' only weapon in the struggle, could not hold out for long. This was due to Fernandes' inexplicable haste in calling a strike before the workers' monthly pay day. In the history of the labour movement in Bombay, the BEST strike will go down as a remarkable example of bravado. Almost invariably, and very sensibly, strikes commence soon after workers receive their pay packets, when they are geared to a spell of 'paylessness'. When he ignored the economic facts of life in the euphoria induced by his victory before the election tribunal, Fernandes was plainly asking for trouble, in the hope that the governmental forces that had aided him before would rescue him again. It was, as we have seen, a forlorn hope.

For the administrator, the case has a few suggestions. The foregoing paragraphs have, I think, demonstrated the thesis that the outcome of such crises is seldom related to the merits of the dispute. It is the political forces that determine the issue. Precisely for this reason, the administrator cannot rely simply on the innate strength of his side of the case, but must make sure of his political support at every stage of the crisis. There is, otherwise, a serious risk of his finding himself out on a limb alone. This had happened in a number of earlier strike crises in the BEST, and good cases were lost, with disastrous effects on the undertaking's economies. It is reported that in one settlement, BEST was forced to concede even more than what the strikers had asked for.

But there was one modest contribution the administrator did make to the outcome of this crisis. During past strikes the management had virtually contented itself with a press

statement declaring the strike as illegal and threatening the strikers with dismissal. No one, certainly not the strikers, ever took these threats seriously, and after their publication the management adopted a passive role, waiting upon events and for the play of higher forces to end.

On the present occasion, management sedulously advertised its case, explaining every day in the newspapers various facets of the dispute, as well as the pay and benefits that BEST workers of various categories were already getting. The publicity was not merely reactive, a response or refutation to the strike leaders' claims; it was aggressive, putting the issues involved in simple terms before the citizens, and explaining the consequences of surrender—a rise in fares. The public reacted favourably to the management's effort to relate pay concessions to rise in productivity, and the knowledge that within the labour classes BEST workers were already among the higher income groups alienated the sympathies of large sections of the community.

The effectiveness of the publicity effort is revealed by two facts—*one*, the hostility with which George Fernandes himself criticised it in his speeches at the time, and *two*, the unprecedented anti-strike demonstration by a sizeable body of citizens. And certainly, the citizens' reaction helped to firm up the ruling party's politicians' resolve, which in earlier crises had been so prone to erosion.

If there was a critical contribution that the administrator made to the resolution of the crisis, this was it.

Annexure I**PRESS CONFERENCE HELD IN THE
GENERAL MANAGER'S OFFICE ON
6TH FEBRUARY, 1968**

The citizens of Bombay have suffered severe hardship because of the strike of BEST workers from the 30th January onwards. The people have therefore a right to know of the facts leading up to this strike.

The Undertaking was running into a heavy loss in 1965 and 1966. In November 1966 the bus fares were raised to eliminate the loss. Exactly 18 days later, the Workers' Union presented a charter of demands. There were 20 demands, the cost of conceding these would have run into well over 4 crores of rupees; much more than double the extra revenue from the fare rise. Negotiations therefore began with the Union, and continued somewhat desultorily, because the Union President, Mr. George Fernandes, was busy with electioneering, and later with his work in Parliament, so that he was not generally available for discussion. Nevertheless, other Union officials continued the discussions, and on certain points an understanding was reached.

Quite early in the proceedings, however, it had been made clear to the Union that concessions could be given only against increases in productivity. Here, for instance, is an extract from the minutes of discussions held with the Union between the 19th and 23rd December 1966.

After the Union representatives had explained their stand on the individual demands in the charter, the General Manager submitted as under:

...While the management would not adopt a negative attitude towards the demands, only because of lack of funds, and while it was prepared to negotiate and readily settle the demands that would involve only marginal burden, they would certainly expect a proportional gain in productivity if any major demand is to be conceded.

During the discussions, therefore, several measures to increase productivity or reduce costs were also discussed, and, as with the demands, understanding was reached on some of them as well.

In June 1967, the Union President, Mr. Fernandes, issued a strike threat, which was ultimately withdrawn at the Chief Minister's request. It was then agreed that the negotiations would continue, and it was also explained to the Chief Minister that the concessions would have to be offset by operational economies.

In June 1967, a statement of these operational economies was given to the Union. It bore the heading:

Operational improvements acceptance of which by the workers has been made condition precedent to the grant of any concessions arising out of the 'Charter of Demands'.

The Union and the Personnel Officer of the Undertaking separately worked out estimates of the savings that would be realised from these economies. *A statement prepared in the Union office giving those estimates was furnished to the Undertaking in August.* It was about this time that the understanding reached on the demands themselves was also tabulated and given to the Union. None of these 3 papers bore a signature on either side.

In the course of the discussion, the Union had indicated acceptance of the majority of the economies proposed, but they had rejected two, which were designed to produce really large economies. These were:

1. the running of single decker buses with only one conductor, instead of two,
2. the introduction of rationalisation/automation without retrenchment.

In November 1967, the Labour Minister summoned the parties to Nagpur, but no agreement was reached there either, the Union still refusing to accept two remaining items. Consequently, it was not possible to settle the demands even on the scale to which they had been reduced during the discussions:

the cost had now come down to about Rs. 50 lacs, a number of the major demands having been dropped during discussion. This was the last stage of the negotiations; thereafter the Union and its President did not discuss the matter with the Undertaking.

Nevertheless, it was reported in the press that an agreement had been reached between the General Manager and the Union. This report was promptly contradicted by a press note issued on the 15th December 1967 and published in the newspapers. Apart from this, had any such agreement been reached, there was nothing to prevent the General Manager from submitting his recommendations on the demands to the BEST Committee, and he would certainly have done so. The fact that he did not, amply demonstrates that the two major operational economies, which the Union had not accepted, were holding up any settlement.

Mr. Fernandes still insists that there was an agreement to concede certain demands, but does not admit the Undertaking's stipulation of operational economies. If this is the sole question on which the strike issue rests, *it is a simple question of fact, which can be resolved: it could be referred to a judge for determination*, instead of allowing the strike to continue and citizens to suffer.

After November 1967 there was no discussion on the demands between the Undertaking and the Union, and it was therefore surprising that the workers struck on the call issued by Mr. George Fernandes on the 29th January, by which time Mr. Fernandes had again resigned from the Presidentship of the Union (as he had done in June 1967) and assumed the leadership of the so-called Action Committee. The Chief Minister had called Mr. Fernandes for discussion on the 31st in order to avert this strike, but this call was not heeded, and the strike began.

A good deal has been said about the cooperation received from the Union. It is a fact that in a number of respects the Union has cooperated in small improvements that the Undertaking has attempted in its services. But some of the large economies in staff and increases in income achieved did not require any special help from the Union: for example, the reduction of crews for our buses has been simply the

result of a different pattern of scheduling, *i.e.*, arranging the duties of the conductors and drivers in such a way that their rest periods and reliefs would make operation easier. This was not a 'change' as contemplated in the law; nor did it make duty harder to perform so as to call for some particular cooperation from the Union. Similarly, the increase in earnings has been the result of: (a) putting more buses on the roads, for which no special Union cooperation is required, and (b) the introduction of an incentive bonus which handsomely benefits the workers as well. Thus it is not Union cooperation which has made the higher earnings and lower costs possible, although there were certain smaller improvements which were introduced because of Union assistance.

The grant of concessions to workers who are already rather well paid can come only from: (1) increased revenues or (2) reduced costs. If costs are to be reduced, certain improvements in operation must be introduced. Where these need the Union's consent, they cannot be introduced unilaterally. Hence our insistence on the operational improvements as a condition precedent to the grant of concessions. Increase in revenues is possible by increase in the fares or in electricity tariffs, which the Undertaking cannot possibly contemplate. It is true that a rise of 5 paise per passenger would bring in a revenue of about Rs. 3.25 crores annually (far more than the Rs. 50 lacs the strikers now want). But past experience would lead us to expect that a week or two after the new fares go into effect, Mr. Fernandes and his Union would present a further charter of demands, to absorb the extra Rs. 3 crores.

The strike is now 7 days old. Useful efforts have been made to end it by the Chief Minister, the Labour Minister and the Mayor. In these efforts, the management has cooperated completely; we are desperately anxious to minimise the hardship to the lacs of passengers who are inconvenienced in this city. In fact, at the Labour Minister's suggestion, certain other economies were suggested to replace those considered unacceptable by the Union, but even these have not found favour with Mr. Fernandes.

Irrespective of the merits involved, however, and wherever

the responsibility may lie, the Undertaking sincerely regrets the severe hardship the public is suffering, and appeals to its workers to resume work at once. As indicated earlier, the question whether an absolute agreement existed or whether it was subject to any conditions can be judicially determined.

Annexure II

REPRODUCTION OF PRESS RELEASES AND ADVERTISEMENTS ISSUED FROM TIME TO TIME

Tuesday, 30th January

BEST STRIKE

As the public is aware Shri George Fernandes called a strike of the BEST Workers at the meeting he addressed at Shivaji Park on the night of the 29th instant. No notice of this whatever was given to the BEST.

Possibly because of the fear of intimidation or assault, the bulk of the traffic operating staff responded to the strike call. So it was not possible to operate the bus services. The Undertaking is extremely sorry for the serious inconvenience to the public. The public will surely appreciate, however, that the sole responsibility for this illegal strike rests on the Workers' Union and its President, Shri Fernandes.

The workers' demands have been under negotiation for a long time. The reason for this has to some extent been the fact that the President of the Union has not been available for sustained discussion, being evidently preoccupied with other matters. Yet discussions have been in progress with other Union officials. It has always been made clear to the Union—and this is a fact that the public are aware of—that apart from marginal adjustments, no very substantial concessions can be made without the workers agreeing to corresponding operational economies. The Union has not agreed to a number of these. Consequently, acceptance of any of the Union's major demands can come only at the expense of the public, who would have to pay still higher bus fares or electricity tariffs. This is plainly unthinkable. This predicament has been well known to Shri Fernandes and his Union, and consequently his resort to this strike is simply an attempt to coerce the Management into a concession that will eventually cost the public dearly.

Despite all this, the Management has proposed substantial concessions to rectify some major anomalies. Details of these concessions have already been published.

The BEST Committee was to consider these concessions at its meeting on Friday, the 2nd February, 1968. The Union and the employees were aware of this.

As the BEST is a public utility undertaking, the workers must realise their responsibilities to the public and report for work forthwith. If they fail to do so, they will make themselves liable to disciplinary action. On the other hand, the staff is assured of every reasonable protection if they report for work.

Wednesday, 31st January

BEST STRIKE

The illegal strike of BEST employees unfortunately continues. A number of loyal employees have been intimidated and even assaulted, in order to ensure the observance of the strike.

The strike is led by Mr. George Fernandes, who was formerly the President of the Workers' Union, but is no longer so. In fact, this is a major difficulty in dealing with the workers' demands: Mr. Fernandes repeatedly resigns and later resumes his position in the Union. Consequently, he is often unaware of the course of discussions on the demands. This appears to have happened now: Mr. Fernandes has been harping on a so-called 'agreement' between the Union and the Management. The paper he refers to is one part of a set of papers exchanged during the discussions as a possible basis for settlement. What he has nicely omitted to mention is the other papers that were exchanged, setting out several operational improvements that needed the Union's concurrence and that could bring economies to offset the cost of the concessions. According to Mr. Fernandes it is only the concessions that constitute the agreement, not the balancing economies.

Precisely because the Union would not agree to some of the substantial economies, agreement was not reached. In fact, on the appearance of a misleading press report some

weeks ago, the Undertaking issued a press note on the 15th December, clearly denying that agreement had been reached on the demands. This was long before Mr. Fernandes sought to make the so-called agreement a controversial issue. His attitude now seems to be that only the first part of the negotiations must crystallise into an agreement, and the rest should vaguely be left unsettled. In fact, no agreement exists, as Mr. Fernandes imagines.

For the Undertaking to accept such a settlement would mean that its costs would be inflated, *and there would be only one way to meet higher costs: a further rise in bus-fares or electricity tariffs. The Undertaking cannot possibly contemplate burdening the public in this way.*

It is perhaps not known that BEST employees are among the best paid workers in Bombay. A conductor's pay scale is Rs. 55-110. He draws a dearness allowance of about Rs. 175 and an incentive bonus which varies according to performance. (The maximum in November was Rs. 81). The Undertaking contributes about a month's pay to his provident fund each year, and his gratuity costs about Rs. 10 p.m. This is, of course, apart from uniforms, scholarships for his children, medical facilities, 47 days' leave each year and subsidised quarters (for a few only at present). Thus a conductor can cost the Undertaking well over Rs. 350 monthly. Drivers are even more costly. Yet the effort to improve our employees' service conditions is always in progress. It has to be conditioned by our resources, and our resources are seriously curtailed by illegal and irresponsible strikes. The present strike will thus only recoil on the workers.

Worse still, it inconveniences the public. Wherever the responsibility may lie, the Undertaking greatly regrets this hardship and inconvenience.

LET THE PUBLIC JUDGE

The following figures will give an idea as to the total emoluments (including cost of fringe benefits) each bus

driver of the BEST receives as his salary:

1. Basic salary—Rs. 90 to Rs. 165 (Av.)	Rs. 125 p.m.
2. Dearness Allowance (linked with cost of living index)	Rs. 175 p.m.
3. Provident Fund Contribution	Rs. 25 p.m.
4. Gratuity (Approx.)	Rs. 10 p.m.
5. Three sets of uniforms including washing allowance	Rs. 8 p.m.
6. Leave 47 days	Rs. 40 p.m.
7. Free travel to and from work on BEST buses (Approx.)	Rs. 15 p.m.
Total (Approx.)	<hr/> Rs. 398 p.m. <hr/>

Over and above this, needy employees get school books and fees for their children, food grains including rationed commodities are supplied at cost price, the Undertaking bearing all the overheads including staff salaries. The canteens are subsidised; tea is sold at 10 ps. and lunch at 64 ps. Subsidised housing accommodation is provided in the Undertaking's quarters; there are about 2000 tenements including dormitories.

All this means that a BEST Bus Driver who works for about eight hours a day costs the public about Rs. 398 p.m.

Thursday, 1st February

LET THE PUBLIC JUDGE

The following figures will give an idea of the total emoluments (including cost of fringe benefits) each watchman (Chowkidar) of the BEST receives as his salary:

1. Basic salary—Rs. 50 to 100 (Av.)	Rs. 75 p.m.
2. Dearness Allowance (linked with cost of living index)	Rs. 175 p.m.
3. Provident Fund Contribution	Rs. 20 p.m.
4. Gratuity (Approx.)	Rs. 7 p.m.

5. Uniform including washing allowance (Approx.)	Rs. 8 p.m.
6. Leave 44 days (Approx.)	Rs. 30 p.m.
7. Free Travel to and from work on BEST buses (Approx.)	Rs. 15 p.m.
Total:	<u>Rs. 330 p.m.</u>

Apart from this, employees get free medical attention, and school books and fees are provided to their children. Food grains, including rationed commodities, are supplied at cost price on credit, the Undertaking bearing all the overheads including staff salaries. At canteens, which are subsidised, tea is sold at 10 ps. and lunch at 64 ps. Subsidised housing accommodation is provided to some employees in the Undertaking's quarters; there are about 2000 tenements.

Thus a BEST Watchman who works for about eight hours a day costs the public more than Rs. 330 p.m.

BEST STRIKE

The BEST Undertaking has in recent years been heavily in the red. It is only in the current year that its books are likely to be balanced, thanks chiefly to the rise in bus fares last year. The balance is precarious: A short term loan of Rs. 1 crore advanced by the Municipal Corporation in June 1966 is still outstanding, and the passenger tax imposed by the State Government in September 1966 (about Rs. 5 lacs p.m.) has not been paid since April 1967. The Undertaking has just received a notice about this payment of Rs. 37 lacs, imposing a penalty of Rs. 5,000 per day for further default.

The present illegal strike is an attempt to wring costly concessions from the Undertaking. At whose cost?

When negotiations began with the Workers' Union on its demands, it was made clear that in the Undertaking's situation no concessions were possible unless they were offset by certain economies in operation. The Union did agree to some economies, but not all. Yet now concessions are demanded that will cost far more than the economies the Union agreed to. It is true that in the course of negotiations

certain demands were considered as fit for adoption, but this was always subject to acceptance by the workers of the operational improvements already mentioned. This was made clear time and again, but it is now convenient for the strikers and their leader to forget it.

The Undertaking has no reserve resources from which it can pay even its legitimate liability to the Corporation and the passenger tax to the Government. Much less can it afford expensive concessions to workers who are already well paid. *This strike can succeed, therefore, only at the expense of the public. Would it be fair to charge 5 paise more to every bus passenger in order to pay BEST workers more?*

Friday, 2nd February

LET THE PUBLIC JUDGE

The figures below will give an idea of the total emoluments (including cost of fringe benefits) each clerk of the BEST received:

1. Basic salary Rs. 75 to Rs. 275 (Av.)	Rs. 175 p.m.
2. Dearness Allowance (linked with cost of living index)	Rs. 175 p.m.
3. Provident Fund Contribution (Approx.)	Rs. 30 p.m.
4. Gratuity (Approx.)	Rs. 16 p.m.
5. Leave—51 days (Approx.)	Rs. 50 p.m.
6. Free travel to and from work on BEST buses (Approx.)	Rs. 15 p.m.
Total:	<u>Rs. 461 p.m.</u>

It is perhaps not known that apart from this, a clerk gets overtime payment, meal allowance, free medical attention, school books and fees for their children. Food grains, including rationed commodities are supplied at cost price on credit, the Undertaking bearing the cost of all overheads including staff salaries. Further, canteens subsidised by the Undertaking provide lunch and eatables at moderate rates. Some of them are given subsidised housing accommodation in Undertaking's 2000 tenements.

A BEST clerk who works for 6 hours a day, thus costs the public more than Rs. 461 per month.

Saturday, 3rd February

BEST FITTER—A BEST PAID EMPLOYEE IN THE TRANSPORT INDUSTRY

The figures below will give an idea of the total emoluments (including cost of fringe benefits) each 'Fitter' draws:

1. Basic salary Rs. 120-235 (Av.)	Rs. 175 p.m.
2. Dearness Allowance (linked with cost of living index)	Rs. 175 p.m.
3. Provident Fund Contribution (Approx.)	Rs. 30 p.m.
4. Gratuity (Approx.)	Rs. 16 p.m.
5. Leave—44 days (Approx.)	Rs. 42 p.m.
6. Free Travel to and from work on BEST buses (Approx.)	Rs. 15 p.m.
Total:	Rs. 453 p.m.

A BEST Fitter is one of the best paid employees in the engineering industry in general and the Transport Industry in particular. He also gets free medical aid, school books and fees for his children. Food grains, including rationed commodities are supplied at cost price on credit, the Undertaking bearing all overhead costs including staff salaries. The subsidised canteens provide lunch and eatables at moderate rates and some of them are given subsidised housing accommodation in the Undertaking's 2,000 tenements. (The maximum rent is Rs. 25 for a two-room self-contained block).

BEST STRIKE

BEST employees have been on strike for five days. Five days of hardship to the people of this city, whose work and movement are hampered by an illegal, irresponsible strike. The Undertaking greatly regrets the difficulties the strikers have imposed on the public.

What is the strike about?

In November 1966 the Undertaking raised the bus fares to meet the heavy losses it was incurring. *Just a few DAYS.*

later, the Workers' Union presented a set of demands, the grant of which would have cost the Undertaking over Rs. 4 crores yearly—more than double the extra revenue that the fare-rise could bring. The demands have been discussed with the Union ever since then. It was always made clear that concessions could be given only by raising productivity or saving costs. During the discussions certain statements were drawn up summarising: (1) the state of negotiations on the demands, and (2) the operational improvements that could reduce costs. Naturally, these statements were given to the Union. The second statement bore the heading:

Operational Improvements acceptance of which by the workers has been made **CONDITION PRECEDENT** to grant of *any* concessions arising out of the Charter of Demands.

It is convenient for the leader of the strike now to deny the existence of this statement; unfortunately for him, though, his Union's reaction to this statement was received and filed by the Undertaking in August 1967.

So far as the Undertaking was aware the discussions on both the demands and the balancing economies had not concluded. In fact, the Chief Minister of Maharashtra was to discuss the case with the parties on the 31st January. The decision to strike on the 29th, therefore, was inexplicable and irresponsible.

The Undertaking has no reserve resources from which it can pay even its legitimate liability to the Corporation and the passenger tax to the Government. Much less can it afford expensive concessions to workers who are already well paid. *This strike can succeed, therefore, only at the expense of the public. Would it be fair to charge 5 paise more to every bus passenger in order to pay BEST workers more?*

Sunday, 4th February

**BEST SCAVENGER (SWEEPER) COSTS THE PUBLIC
RS. 309 PER MONTH**

The figures below give an idea of the total emoluments

(including cost of fringe benefits) each scavenger draws:

1. Basic salary Rs. 40 to 80 (Av.)	Rs. 60 p.m.
2. Dearness Allowance (Linked with Cost of Living Index)	Rs. 175 p.m.
3. Provident Fund Contribution (Approx.)	Rs. 20 p.m.
4. Gratuity (Approx.)	Rs. 7 p.m.
5. Leave (44 days) (Approx.)	Rs. 27 p.m.
6. Free Travel to and from work on BEST buses (Approx.)	Rs. 15 p.m.
7. Uniform including washing allowance	Rs. 5 p.m.
Total:	<u>Rs. 309 p.m.</u>

The travelling public is perhaps not aware that apart from this he also gets free medical aid, school books and fees for his children. Food grains, including rationed commodities are supplied at cost price, the Undertaking bearing overhead costs including staff salaries.

Subsidised housing to some of them and canteens are among other benefits which also cost the public.

Monday, 5th February

LET THE PUBLIC JUDGE

The figures below give an idea of the total emoluments (including cost of fringe benefits) each peon of BEST draws:

1. Basic salary Rs. 40 to 80 (Av.)	Rs. 60 p.m.
2. Dearness Allowance (Linked with Cost of Living Index)	Rs. 175 p.m.
3. Provident Fund Contribution (Approx.)	Rs. 20 p.m.
4. Gratuity (Approx.)	Rs. 7 p.m.
5. Leave (51 days) (Approx.)	Rs. 30 p.m.
6. Free Travel to and from work on BEST buses	Rs. 15 p.m.

7. Uniforms including washing allowance

	Rs. 8 p.m.
Total:	<u>Rs. 315 p.m.</u>

Apart from this he gets free medical attention and school books and fees for his children. Food grains, including rationed commodities, are supplied at cost price, the Undertaking bearing the cost of all overheads, including staff salaries. Canteens subsidised by the Undertaking provide lunch and eatables at moderate rates. Some employees get subsidised housing accommodation in the Undertaking's 2,000 tenements (the maximum rent is only Rs. 25 for a two-room self-contained block).

Thus a BEST peon, who works for seven hours a day, costs the public well over Rs. 315 per month.

GEORGE FERNANDES' CLAIM REFUTED

Mr. George Fernandes has denied the existence of any document purporting to have informed the Union of "operational improvements" precedent to the grant of any concessions to the Union.

During the course of the discussions with the Union in June 1967 a statement of "operational improvements" was handed over to them. A photostat copy of the heading of the statement is shown below.

Operational Improvements acceptance of which by the workers has been made **CONDITION PRECEDENT** to grant of *any* concessions arising out of the Charter of Demands.

This clearly refutes the charge of Mr. Fernandes and establishes the existence of this document.

BEST STRIKE

If you ordinarily travel by bus

The Undertaking regrets the hardship its striking workers

have imposed on you. We would like to bring this strike to an end as soon as possible.

But

Further concessions to BEST strikers will cost you at least another 10 paise daily. Bus travellers would have to pay 5 paise more for each journey they made. There is no other way to meet the extra cost since Mr. George Fernandes does not agree to economies in operation to the extent necessary. He does not agree to arbitration either.

Should you pay more to raise the wages of BEST workers?

*An average municipal employee gets Rs. 180 monthly in pay and dearness allowance. He enjoys 50 days' leave in a year.

*An average BEST worker gets Rs. 300 monthly in pay and dearness allowance. He may also earn an incentive bonus of Rs. 50 to 60. Most BEST workers enjoy 47 days' leave each year.

*An IAS officer starts his career earning Rs. 520 monthly in pay and dearness allowance. Throughout his career he gets not more than 45 days' leave a year.

We are not averse to paying our workers even better, *but this burden must not fall on you.* It need not; we can pay better if our costs are reduced by economies. Such economies were proposed to the Workers' Union, to offset the costs of the concessions it wanted. They were being discussed. But quite suddenly Mr. Fernandes decided to take the workers out on strike. It is now convenient to forget that equivalent economies were being discussed at all.

So the strike continues, and you have to walk to work. For this, though we are not responsible, we are extremely sorry.

Tuesday, 6th February

LET THE PUBLIC JUDGE

The figures below give an idea of the total emoluments (including cost of fringe benefits) each Cleaner (and/or ordinary labourer) of BEST draws:

1. Basic salary—Rs. 40 to 80 (Av.)	Rs. 60 p.m.
2. Dearness Allowance (Linked with cost of living index).	Rs. 175 p.m.
3. Provident Fund Contribution (Approx.)	Rs. 20 p.m.
4. Gratuity (Approx.)	Rs. 7 p.m.
5. Leave (44 days) (Approx.)	Rs. 27 p.m.
6. Free Travel to and from work on BEST buses (Approx.)	Rs. 15 p.m.
Total (Approx.):	<u>Rs. 304 p.m.</u>

It may be of interest to the public to know that apart from this he gets free medical attention and school books and fees for his children. Foodgrains, including rationed commodities, are supplied at cost price, the Undertaking bearing the cost of all overheads including staff salaries. Canteens subsidised by the Undertaking provide tea and lunch at moderate rates (*viz.*, 10 ps. and 64 ps.). Some employees get subsidised housing accommodation in the Undertaking's 2000 tenements (the maximum rent is only Rs. 25 for a two-room self-contained block).

Thus a BEST Cleaner (and/or an ordinary labourer), who works for eight hours a day, costs the public well over Rs. 304 per month.

Wednesday, 7th February

BEST STRIKE—CITIZENS' REACTION

The BEST continues to receive letters and telephone calls from members of the public, complaining of the hardship to which they have been put by the BEST strike, but urging at

the same time that we should not relent or offer to our workers concessions that are beyond our resources.

A citizen telephoned this morning suggesting that the keys of our street-lighting lamps should be left with Police Stations in different areas, and that the police be requested to switch these lights on and off so as to conserve electric power. He also said that we should not submit to the Union as the sympathies of Bombay's citizens were with us.

A letter from 'The Citizens of Bombay' carries a similar appeal. It says that while we should be sympathetic towards our workers, we should never submit to pressure and blackmail, and that no concessions should be granted to the workers unless they accept corresponding operational economies.

A postcard received from a citizen says that ignorant workmen are being exploited by their leaders and asks us not to submit to coercion.

Finally, a citizen has sent a local telegram which says 'kindly do not bow down to threatenings of BEST Workers' Union'.

These messages seem to indicate that the public has appreciated the stand taken by the BEST, viz., that our workers should be sympathetically treated but not granted concessions which we cannot afford, unless the workers on their side agree to reduce costs or to increase productivity to offset the cost of the concessions they want.

BEST STRIKE—LET THE PUBLIC JUDGE

BEST employees, who work for a maximum of eight hours a day, cost the public the following sums on the average:

Driver	Rs. 398 per month
Conductor	Rs. 350 per month
Fitter	Rs. 453 per month
Clerk	Rs. 461 per month
Sweeper	Rs. 309 per month
Chowkidar	Rs. 330 per month
Peon	Rs. 315 per month
Cleaner or Cooly	Rs. 304 per month

Apart from this, these employees get free medical aid, school fees and books for their children, foodgrains at cost price (the Undertaking bearing all overheads), subsidised canteens (tea at 10 ps. and lunch at 64 ps.), subsidised housing (for some employees) at a maximum rent of Rs. 25 per month.

Considering what employees in other organisations get, do you think the strikers' demands for higher emoluments are justified?

Thursday, 8th February

A FEW DAYS MORE

The story of the BEST Undertaking since its municipalisation could be written as a story of strikes, led in recent years by Mr. George Fernandes. Apart from numerous strikes in sympathy with various causes, there were repeated strikes for the workers' own demands. AND NOW, the BEST employees have struck again.

Each time the Undertaking has been coerced into more concessions to its workers, who are now among the best paid in Bombay.

As the workers' wages rose, the Undertakings' financial condition declined steadily. The Undertaking now spends nearly 40 per cent of its costs on personnel. In 1965-66 it suffered a loss of Rs. 67 lacs. Today, thanks to the rise in bus fares in November 1966, and to a relentless search for economies, the Undertaking is again able to balance its books, and may even end the year with a modest surplus.

It is this hard earned recovery that Mr Fernandes' present strike threatens to erode. Further concessions to workers that are not offset by gains in productivity will upset the delicate financial balance the Undertaking has attained, and again plunge it into losses. The options are plain:

First—we yield to coercion, concede the present demands and re-start the cycle that leads to still higher bus fares, more demands from workers, and so on;

Second—we altogether refuse to submit to any pressure for higher wages;

Third—we grant concessions only to the extent that they are balanced by offsetting reductions in costs.

We have chosen the third course; we believe you will endorse our choice. In that case, you will cheerfully bear for just a few days more the hardships our strikers have imposed on you. Only a few days, for already wisdom is beginning to dawn on the strikers; a few have resumed work. From what they tell us we gather that thousands more, the majority, want to do so. They are being deterred by threats of physical harm to their children or their wives. The many have been effectively intimidated by the few. But this will not last.

DYNAMICS OF A STRIKE

JAIDEEP SINGH AND M.K. NARAIN

This case study depicts and provides insights into the dynamics of the forces responsible for the causation, continuance and termination of a major strike in an urban local government organisation—specifically, the forty-five days October 30-December 13, 1972 strike by the safai karamcharies of the Delhi Municipal Corporation.

The total urban area of Delhi is about 170 sq. miles while the rural area is around 400 sq. miles. The entire rural area and about 75 per cent of the urban area is under the corporation. The population of Delhi was 40,65,698 according to the 1971 census and the corporation has to cater to about 90 per cent of it.

The local government of Delhi consists of three bodies, viz., Delhi Municipal Corporation, New Delhi Municipal Committee and Delhi Cantonment Board. The Delhi Municipal Corporation came into being in 1958 after the passing of the Delhi Municipal Corporation Act of 1957. Of these three local organisations, the Municipal Corporation of Delhi (MCD) is an elected body, whereas the New Delhi Municipal Committee is nominated by the central government and the Delhi Cantonment Board is partially elected and partially nominated and has some *ex officio* members.

The corporation is governed by a body of elected councillors and a few coopted aldermen. The whole area of the corporation is divided into about 100 constituencies/wards from which councillors are elected on the basis of adult suffrage and six aldermen are chosen by the elected councillors from the citizens that are qualified to stand in the municipal election. The number of aldermen is fixed at 6, while the num-

ber of councillors ranges around 100. The term of the councillors and the aldermen is 4 years. The meetings of the corporation are presided over by the mayor or in his absence by the deputy mayor. The mayor and the deputy mayor are elected every year.

The corporation has some statutory committees with clearly defined powers. Of these, the most important is the standing committee. It consists of 14 members elected by the councillors and aldermen from amongst themselves at the first meeting of the corporation after each election. Another statutory committee is the Delhi Water Supply and Sewage Disposal Committee. Also, there are several functional committees such as the education committee, rural area committee, works committee, etc.

The two wings of the corporation, *i.e.*, the deliberative and executive wings, are expected to function in coordination with each other. Once the policy decision has been taken by the deliberative wing, the executive wing is expected to implement it as best as possible.

The executive wing is headed by the commissioner who is appointed by the central government for a term of five years at the first instance. He exercises all the executive powers for the purpose of carrying out the provisions of the Municipal Corporation Act. He is held responsible for the personal integrity and efficiency of all municipal employees. The commissioner, himself, may be removed by the central government on the grounds of incompetency, inefficiency and neglect. Also, he may be removed if a vote of removal is passed by a 60 per cent majority of all the councillors.

Section 40 of the Municipal Corporation Act empowers the corporation to establish ward committees by a special resolution. At present, the wards have been grouped into the following eight zones: (1) Shahdara, (2) City, (3) Civil Lines, (4) Sadar Pahar Ganj, (5) Karol Bagh, (6) New Delhi South, (7) West, and (8) Rural. Each of these zones have been placed under the charge of a special zonal committee consisting of the local councillors and one or more aldermen. The zonal office is under the administrative charge of a zonal assistant commissioner.

HISTORY OF SAFAI KARAMCHARIES' STRIKES IN MCD*

The Delhi Municipal Corporation as of 1974 consisted of about 40,000 employees of which around 15,000 were safai-karamcharies†. At the time just prior to the October-December, 1972 strike, the total number of safai karamcharies in the corporation were around 11,955, which included regulars, part-time and daily wage workers.

The major union of the sweepers was the Delhi Pradesh Balmiki Mazdoor Sangh which came into existence in 1953. The general secretary of the Sangh was also an alderman of the corporation. He came into increased prominence when he organised his first strike against the old Delhi Municipal Committee and most of the demands were accepted. Later, he organised some more strikes during 1953-57. The Congress recognised his potential as their agent for influencing votes during 1962-67 when Congress was the majority party in the corporation. During December 25, 1964-January 13, 1965 he organised another strike when even private sweepers joined the strike.

His organisation of strikes became more systematic after 1969. His next notice of strike to the Delhi Municipal Corporation was given on February 7, 1969, alongwith a list of 23 demands. The Delhi Pradesh Balmiki Mazdoor Sangh then organized a preliminary strike in the Civil Lines zone from June 13 to 20 which was called off at the intervention of the Union minister for health and family planning. But, immediately thereafter, the Sangh followed the zonal strike with a general strike in the entire corporation from July 21-24, 1969.

A settlement was reached on July 24, 1969 between the Sangh and the management of the MCD on the twenty-three demands put forward by the Sangh. It was decided that: (i) the corporation would take action on nine demands, (ii) three demands would be referred to the standing committee, (iii) five demands would be referred to the conciliation board set up by the Delhi Administration, (iv) two demands would

*Data in Part I is largely from the files of the Delhi Municipal Corporation.

†Safai Karamchari is a synonym for the term 'Sweeper'. Both words shall be used interchangeably in this study.

be dropped, and (v) since the remaining four demands did not fall in the corporation's jurisdiction, the Sangh would pursue them independently, with the appropriate authorities. In both the strikes, the wages for the strike periods were paid to the sweepers and no action was taken against them.

In 1970, the Sangh again organised a general strike from January 21 to February 5. Their main demand was that the agreement reached on July 24, 1969 had not been implemented. In addition, a few new demands were put forward in the letter to the corporation. On the morning of January 21, the strike was started and the leaders of the striking community through their newly created action committee stated that if the demands were not met they would have work stopped in all the zones. The strike was ended on February 5 with the Sangh's general secretary entering into an agreement that the Lt. governor would mediate and none of the striking persons would be victimized.

The Lt.-governor gave his award on December 15, 1970. The agreement reached on July 24, 1969 required that the nine demands on which action was to have been taken by the Municipal Corporation should have been implemented as per the following schedule:

<i>Demands</i>	<i>Time Limit</i>
1. Arrears of wages	3 months
2. Payment of cash on account of non-supply of uniforms in the year 1963-64	3 months
3. Refund of excess house rent charged in respect of quarters at Delhi Gate, Old Chandrawal, etc.	2 months
4. Rendering of accounts of boots, chap-pals, etc.	4 months
5. Proper account of provident fund	3 months
6. Payment of arrears to part-time workers	2 months
7. & 8. Supply of boots	3 months
9. Overtime arrears in Civil Lines and two number Subzi Mandi Plot.	2 months

The Lt. governor explained that the corporation's position was that it had implemented all these demands. But the

Sangh disagreed and contended that a large number of workers had not been paid arrears due to them. The lt. governor stated that the general secretary of the Sangh, "should within a period of one month of the date of this decision give full particulars of such cases of non-payment to the labour department and he should also go with officials of the labour department and satisfy himself from the records of the corporation whether any payments are due to any worker or not".

The following three demands had been referred to the standing committee:

1. increase in pay-scales, abolition of part-time and daily wage system;
2. increase in grant of dirt allowance; and
3. increase in washing allowance with arrears.

With respect to these demands, no final decision had so far been taken by the standing committee. In his award, the lt. governor felt that "...there is no necessity of increasing the pay-scales of the sweepers working on a regular basis". Further, he expressed that "...the corporation should make efforts to decrease gradually the number of part-time sweepers so that after a reasonable period, they can do away with the system of part-time sweepers". However, he recommended that "...the wages of part-time sweepers should be increased from Rs. 50 to Rs. 65 per month". The award also considered the daily wage workers and recommended that "they may all be paid wages at the rate of Rs. 172.70 per month, i.e., the wages being paid to regular sweepers".

As regards the increase in dirt allowance, the lt. governor stated that he did not see much force in the demand for dirt allowance since their total monthly wages of Rs. 172.70 was higher than the Rs. 166 per month paid by the Bombay Corporation with which comparisons had been made during discussions. However, he recommended that "... the Lorry Sweepers who are being paid a dirt allowance of Rs. 2 per month should be paid Rs. 5 per month, as is being done in the New Delhi Municipal Committee. This increase should come into force from 1st January, 1971".

With respect to increase in washing allowance, the union had demanded an increase from Re. 1 to Rs. 5 per month with arrears for the past 20 years. The Lt.-governor had earlier recommended an increase to Rs. 2 per month from April 1, 1969 and this had been implemented. In his award, the Lt.-governor stated that he did not see any justification for further increase or for paying arrears for 20 years.

Five demands of the union had been referred to the conciliation board set up by the Delhi Administration. The first demand had been for an increase in the scale of uniform for male and female sweepers. The Lt.-governor recommended that, "... the corporation may give the uniform on the same scale as the New Delhi Municipal Committee".

The second demand had been for payment of wages at zonal offices through the cashier. Considering the malpractices that could occur in disbursing the payment, the Lt. governor recommended that apart from the constitution of small committees of officers for supervising the disbursement of wages, the corporation should also issue a wage slip since this would serve as a check against illegal deductions by the disbursing staff. The third and fourth demands were for educational assistance for the children of sweepers and provision of facilities for higher education for them. With respect to these, the Lt.-governor felt that "...adequate facilities exist for the education of sweepers' children and they should avail of these facilities".

The fifth demand was for an increase in the number of festival and other holidays. The Lt.-governor said that he had already advised the corporation to increase these holidays from 8 to 18. He further stated: "...the corporation had already implemented this recommendation. The union has demanded that second Saturday should also be a holiday. However, the New Delhi Municipal Committee and the other Metropolitan Corporations are not observing holidays on the 2nd Saturday and I therefore feel that there is no justification for the same".

The award also considered other demands of the action committee. The first demand was for an increase in the number of sweepers and it was recommended that "... the regular posts should be increased in a phased manner, since the

financial implications of a substantial increase at one stroke are very large". The demand for increasing the existing pay scale of sewer workers from Rs. 70-85 to Rs. 75-95 per month was rejected on the grounds that it would lead to a chain of similar demands from other categories of staff of the corporation. Besides, the Third Pay Commission was already considering this matter. Another demand was for provision of housing accommodation for the sweepers in all the zones. With regard to this, the Lt.-governor felt that "...a lot more needs to be done in this respect". The demand regarding separate municipal dispensaries for sweepers was rejected on account of its large financial implications as also the construction of special shelters for taking sweepers' attendance since sweepers have to collect only for a short period for this purpose. However, the Lt.-governor requested the corporation authorities to consider the possibility of using the municipal premises for this purpose. He also rejected the union demand that attendance be taken only once per shift, as opposed to the prevailing practice of two attendances per shift *i.e.*, four times a day.

After the award of December 15, 1970, the union kept quiet for about three months. Then, on March 22, 1971, the union gave a notice to the corporation with a copy to the Union minister for health and family planning. Dissatisfaction was expressed with the award given by the Lt. governor and satisfaction was desired with respect to the demands which had been rejected by the Lt. governor. On March 27, 1971, the union sent another letter in which 13 more demands were mentioned. The proposed strike was however averted by the timely intervention of the Union minister for health and family planning and the minister of state for home affairs.

Another three months elapsed. Then, on July 5, 1971, the safai karamcharies of Vijaynagar constituency No. 46 of Civil Lines zone stopped work in protest against the misbehaviour of the sanitary inspector. The union wrote to the commissioner that unless the inspector was transferred they would not resume work. The strike spread to other parts of the zone and the union put four persons on hunger strike. On July 24, 1971 the sanitary inspector was arrested on a

case of assault while under the influence of liquor. On August 1, 1971, a settlement was arrived between the corporation's management and the union that there would be no victimisation and the dispute regarding wages for the strike period would be referred to the Lt.-governor for his mediation. Yet, the wages for the strike period were paid on a provisional basis, subject to the Lt.-governor's decision. Later, the Lt. governor ratified this payment.

Another strike notice was given by the union on October 15, 1971. This was later withdrawn through the intervention of the Union minister for health and family planning. A meeting with the union representatives, the corporation officials and the mayor was held by the minister. It was agreed that:

1. the festival advance of Rs. 50 to each sweeper be adjusted against arrears of uniform where due instead of being deducted from their salary in monthly instalments; and
2. a lump sum allowance of Rs. 7.50 per head be paid to the concerned sweepers for election duty.

A few months passed. Then on March 30, 1972 the Shahdara branch of the union gave a notice of a dharna at Town Hall from the following day. The main grievance was related to the postings of the safai karamcharies. The dharna was lifted on April 12, 1972 after 13 days. The following assurances were given to the union:

1. part-time safai karamcharies would be appointed on full time posts in the same zone where they were working;
2. no part-time post would be created in future and the additional requirements of staff would be met by appointing safai karamcharies on daily wages basis; and
3. a commissioned seniority list of substitutes and part-time karamcharies on the basis of a formula to be developed in this regard would be prepared in order to fill up the regular vacancies of the safai karamcharies.

Action on these items had just been commenced when the union served a notice for another strike, the first of the two strikes of 1972.

On May 8, the union gave notice to the corporation and sent alongwith the notice, a printed handbill containing nineteen demands. The letter also mentioned that a dharna would be organised on May 22, 1972. The new Lt. governor asked the corporation to review the demands afresh.

There was immediate dialogue between the MCD management and the union. Agreement was reached on fourteen of the nineteen demands put forward. However, agreement could not be reached on the remaining five demands* which were:

1. arrears of washing allowance since 1958;
2. payment of dirt allowance to all workers at the rate of Rs. 15 per month;
3. lady workers to be given sandals and chappals with arrears;
4. payment of arrears of 8 gazetted festivals since 1958;
5. workers to be paid bonus with arrears.

The commissioner suggested that these problems can be solved through arbitration, but the union did not agree. On May 22, 1972, the union started the strike.

Since section 144 of the Criminal Penal Code had been promulgated with respect to the Town Hall area, the strikers started the dharna at Azad Park, an area distant from the Town Hall building. Over the forthcoming week, the strike intensified. On May 30, 1972, the union's leader took a procession to the residence of the prime minister. On learning that the prime minister was at the office of the All India Congress Committee, the procession was diverted to that destination. There, he offered the prime minister a purse containing Rs. 15,421 for the National Defence Fund. He also apprised her of the demands of the safai karamcharies. The gathering was later addressed by, among others, the leader of the Congress Party in the corporation. Subsequently the union's leader called off the strike.

*See Appendices 'B' and 'C'.

The strike had been joined by most of the regular and part-time workers. The total attendance of the sweepers was 9678 on May 20, 1972 and it came down to 9316 on May 22, 1972 the day of the strike's commencement. The attendance then came down gradually to its lowest tally of 4723 on May 29, 1972. The worst affected zones were City, Shahdara, Civil Lines, and Karol Bagh. The impact of the strike on West and Sadar Paharganj zones was 40 to 50 per cent; the Rural zone was only slightly affected. It was thought that the New Delhi South zone was affected to a lesser degree than expected because it was the stronghold of another union leader who had earlier fallen out with the striking union's leader.

A special meeting of the Standing Committee had been held on May 29, 1972. The meeting passed a resolution deploring the highly irresponsible attitude of the Delhi Pradesh Balmiki Mazdoor Sangh for putting up unreasonable demands on behalf of the municipal sweepers and then resorting to uncalled for strikes thereby putting the civic administration to ransom and the lakhs of Delhi citizens to great inconvenience.

THE BIG STRIKE (OCTOBER 30-DECEMBER 13, 1972)

The May 1972 strike had been conducted for realizing gains on nineteen demands. Of these, fourteen demands had been negotiated with the management and five demands had remained as points of conflict. On October, 5, 1972, the Sangh's general secretary sent a letter to the prime minister apprising her of the demands of the last strike which had been called off as a result of her intervention. He requested her to enable the workers to get their arrears before Diwali. Copies of the letter were sent to the municipal commissioner; the chief secretary, Delhi Administration; the Lt. governor; the Union minister for health and family planning, the Union minister for labour, etc. On October 24, 1972, along with other representatives of the union, the general secretary went to the office of the municipal commissioner to press for the processing of the five unresolved demands of the Sangh. There, he expressed that he was not satisfied with the imple-

mentation of the other fourteen demands. He then demanded immediate acceptance and implementation of the five unresolved demands. The commissioner did not find this feasible. The general secretary then threatened to take drastic action to get the money. The commissioner reported the matter on the same day to the joint secretary, ministry of health and family planning and expressed his opinion that the union might create trouble before Diwali, *i.e.*, November 5, 1972.

On the same day (October 24, 1972), the union workers resorted to a dharna in the Town Hall verandah and sent a letter to the commissioner stating that they were holding the dharna from today and if the corporation persists in not hearing the Sangh then other progressive steps would be taken. Copies were sent to the chairman, Standing Committee, and leader, Congress Party, MCD. About 100 persons participated in the dharna at Town Hall.

Later in the day, the commissioner wrote another letter to the joint secretary, department of health, stating: "... the Standing Committee had passed a resolution that they shall be happy to refer those five demands for arbitration to the Lt. governor. Since it is now proposed that the five demands should be sent for adjudication, the consent of the Standing Committee is essential".

To prevent harassment and obstruction in office work by the union, the commissioner wrote to the district magistrate requesting that Section 144 be imposed in the corporation premises.

On October 28, 1972 the union served another notice saying that if the demands are not met by October 30, 1972 the safai karamcharies would go on strike from October 30, 1972.

In order to render services to the citizens and have proper administration of sanitation and conservancy services during the impending strike, the corporation set up a control room under the charge of a deputy health officer. On October 29, 1972, the municipal health officer issued duty instructions *vide* a circular deputing specific senior health staff to attend to the control room till November 2, 1972. The same day the Lt. governor referred four of the five demands to the Industrial Tribunal, Delhi Administration for adjudication under the Industrial Disputes Act, 1947 and the Indus-

trial Disputes (Central) Rules, 1957. The questions referred to were as follows:

1. Whether sweepers are entitled to arrears for 8 holidays every year with effect from 1958 and if so, what directions are necessary in this respect?
2. Whether sweepers are entitled to dirt allowance at the rate of Rs. 15 per month and if so, from which date and what directions are necessary in this respect?
3. Whether all safai karamcharies working on drains are entitled to bonus and if so, from which date and what directions are necessary in this respect?
4. Whether female safai karamcharies were entitled to arrears of coats, sandals and sarees from the year 1958, and also sarees in future and if so, what directions are necessary in this respect?

On October 30, 1972 the strike began. The corporation obtained daily reports on the strike and also, reports on the assaults and disturbances created. It was reported that "... the zones which had the first impact of the strike were City zone, Sadar Paharganj zone and to some extent Karol Bagh zone". The City zone, particularly, the area surrounding Chandni Chowk, was the worst affected area. The situation was worsened, because apart from being on strike, the strikers obstructed the loyal workers from performing their duties. Table 1 gives the zonal breakdown of whole time, part-time and substitute sweepers.

On October 30, the corporation issued a report regarding the disturbances and assaults occurring zonewise:

Shahdara Zone: A procession of about 200 strikers... started from the Mandir near police station, Shahdara in the morning and is active in obstructing the loyal workers from performing their duties . . . The police force accompanying the procession is insufficient and ineffective.

City Zone: A procession of strikers obstructed the loyal workers from performing their duties . . . gangs of strikers are also actively roaming the area of Hauz Kazi, Lahori Gate, Shah Ganj and Farash Khana. Attempts

TABLE I

Zones	Whole-time (effective strength)			Part-time (effective strength)			Substitute	
	28/10	30/10	31/10	28/10	30/10	31/10	30/10	31/10
Civil Lines	1128	1057	923	105	101	103	31	45
West Zone	913	911	891	474	449	454	72	69
Shahdara	654	714	488	315	365	211	—	77
City Zone	1346	918	508	57	50	56	72	400
N.D. South	1650	1554	1494	435	414	422	—	63
Karol Bagh	1352	1289	871	170	170	134	90	111
							22	
							(whole time)	
SP Zone	1238	1244	1177	38	38	39	133	137
Rural Zone	1328	1606	1322	752	751	741	52	33
TOTAL	9609	9293	7674	2346	2338	2160	472	935

to commit thefts of the municipal property from the Dalaos were made on the night between 29th and 30th October, 1972 at certain Dalaos . . .

New Delhi South Zone: Several incidents from the zone regarding obstruction to duty and snatching of implements from loyal workers have been received. About 60 strikers are actively participating in Dharna before the zonal office of New Delhi South Zone and are not only shouting slogans but also are preparing to burn an effigy.

The daily report of November 1, 1972, mentions that "... the shortfall in the attendance due to strike is 2597 in respect of whole-time Safai Karamcharies and 427 in respect of part-time Karamcharies." After taking into account the number of substitutes engaged, "...there is a shortfall of 1638 workers on November 1, 1972 as compared with the position on October 28, 1972." The report further adds:

The zones adversely affected by strike are City zone,

Shahdara, Karol Bagh and Civil Lines Zone . . . night campaigns were launched in these zones to maintain the service. The corporation also appealed to the public to cooperate in keeping the areas clean.

The strikers also mobbed the offices of health officers and assistant commissioners of Karol Bagh, Shahdara and New Delhi South zone.

Report on Assaults (November 1, 1972)

City Zone: The City zone was the main target. Four serious incidents occurred in this area alone. In one incident the strikers snatched the working implements of the loyal workers and assaulted the loyal workers. In another incident, in Chawri Bazar, a mob of strikers armed with 'lathies' attacked the loyal workers injuring some of them. Reports of all the incidents had been lodged with the police. It was learnt that one arrest had been made by the police.

Karol Bagh Zone: Strikers arrived in two taxies and mobbed the zonal office on the night between October 31, and November 1, 1972; in another incident, a loyal worker received injuries at the hands of strikers . . .

West Zone: In West Zone, incidents relating to instigation by the strikers to the loyal workers to participate in the strike were reported at the time of the morning roll call. Due to the intimidation caused by the strikers some of the loyal workers left their beats without performing their duties.

Daily Report (November 2, 1972)

The zones adversely affected by the strike are City Zone, Shahdara Zone, Karol Bagh, and Civil Lines zone . . .

Night cleaning campaigns were launched in City Zone, Shahdara Zone, Civil Lines Zone, Karol Bagh Zone, and certain areas of Rural Zone. In City Zone, more than 700 workers attended not only to the road sweeping but also removal of refuse from most of the dalaos.

Posters and hand-bill appeals as also the appeals in the newspapers have been made to all citizens to cooperate

with the Municipal Corporation in this emergency and avoid creation of insanitary conditions.

Dharnas from the Town Hall, Municipal Corporation of Delhi, and New Delhi South Zone, Green Park, have been eliminated with the arrest of 18 ring leaders from the Town Hall on the night of November 1, 1972 and 10 ring leaders from New Delhi South Zone on the morning of November 2, 1972. These arrests have been made in connection with the apprehension of breach of peace . . .

Report on Assaults (November 2, 1972)

Karol Bagh Zone: Details about the incident relating to mobbing of Municipal Office, Tibbia College on the night of October 31, 1972 have been received. In this incident strikers boarding two taxis...abused the workers, threatened them with dire consequences and attacked the zonal office with 'lathies'. They dragged some loyal workers, beat them with 'lathies' and threw stones resulting in breaking of some glass panes....

Daily Report (November 3, 1972)

. . . It is proposed to reward the substitutes and daily wagers in cash and in preferential treatment regarding regular recruitment....

In a television interview the Commissioner has requested the citizens to help the Municipal Corporation of Delhi in maintaining proper sanitation... Disciplinary action is proposed to be taken against the strikers if they continue indulging in this activity. . . Zonal Offices in Green Park (New Delhi South Zone) and Rajouri Garden (West Zone) were mobbed this morning by a number of strikers who not only spread refuse and garbage in and around the offices but also blocked the entrance gates of the offices.

Daily Report (November 4, 1972)

Disciplinary proceedings under the department rules have been initiated against the strikers for absenting from duty from the essential service. Workers showing devotion to duty are being given daily cash reward.

Report on Assaults (November 4, 1972)

Information about detention of a refuse removal truck at 1.30 p.m. on November 3, 1972 at the crossing of Ring Road, Ganda Nallah in Punjabi Bagh by a mob of strikers has been received. In this incident, four beldars who were on refuse removal truck were forcibly taken out, beaten, tied and thrown in a ditch after being paraded on the road. The beldars became unconscious. Later on, two of them regained consciousness and reported the matter. Report with Punjabi Bagh Police Station was lodged at 10 p.m. on November 3, 1972.

Daily Report (November 5, 1972)

Although Diwali is a closed day for Safai-Karamcharies maintenance of essential conservancy services including road sweeping and removal of garbage from dustbins and dalaos have been ensured by special campaigns launched for the purpose. Notwithstanding that the normal attendance on this festival in past years has been negligible, loyal workers have shown a keen sense of duty and reported for duty in this emergency. A work force of over 6400 workers was on duty in various zones attending to conservancy services. . .

Daily Report (November 6, 1972)

Today, another important festival of Goverdhan Puja is being celebrated. Even in normal times, the incidence of absentees on the occasion of Goverdhan Puja has been very high. Keeping that fact in view, the attendance position today is encouraging.

Report on Assaults (November 6, 1972)

According to the report, strikers. . . are roaming in Sadar Pahar Ganj and Karol Bagh Zones. In one incident of assault these miscreants hurled stones and brick-bats from the taxi on the beat Safai Karamcharies. Report was lodged with the local police.

Report on Assaults (November 7, 1972)

Details about incidents in F Block 25 yard J.J. Colony,

4 Block Tilak Nagar, Ramesh Nagar, Vishnu Garden on November 4, 1972 have been received. In the incident at F Block 25 yard J.J. Colony, 50 strikers threw acid on workers. In the incident at 4 Block Tilak Nagar, the strikers threatened loyal workers that acid would be thrown on them. In the incident at Ramesh Nagar refuse removal truck was held by a mob of about 150 strikers and workers on duty were beaten with iron bars (sarias).

On November 7, 1972, over a week after the strike had begun, the corporation issued show cause notices to full-time, part-time, and temporary sweepers who were participating in the strike. They were also warned that they will not get wages for the strike period. The corporation formed special squads for conservancy service in order to counter the strike. Also, more night cleaning drives were launched. In the meantime, the mayor wrote to all the corporation councillors and aldermen to join the cleanliness campaign. He also requested the voluntary agencies in the capital to follow suit.

Meanwhile, the Delhi Municipal Workers' Union passed a resolution in which they whole-heartedly supported what they termed as the just and genuine demands of the striking municipal sweepers.

The daily reports of the corporation continued to be compiled:

Daily Report (November 7, 1972)

Compared with the position on November 5, 1972 (Diwali), the working strength has increased by more than 2100. In comparison with the position on November 6, 1972 (Goverdhan Puja) the increase in working strength is more than 700. The number of safai karamcharies representing various categories present today are 8650. . . Despite absence due to strike by large number of strikers, the sanitary condition in the city has been brought to normal. . . Incidents of violence, obstruction to duty, snatching of working implements, assaults, intimidation, damage to municipal vehicles, mobbing. . . have been reported from Shahdara zone, Civil lines zone, West zone. It has been:

reported that arrests of offenders in some of the cases have been made by the local police.

Daily Report (November 8, 1972)

Id-ul-Fitr is being celebrated today and is a closed day for Safai Karamcharies. The Safai Karamcharies strike enters the 10th day today. However, arrangements for maintenance of essential conservancy services including road sweeping and removal of refuse and garbage from the dustbins and dalaos have been made by special campaigns launched for the purpose. The Safai Karamcharies have been instructed to report for duty on over-time basis . . . 7913 workers attended to conservancy services on November 8, 1972; compared with the position on Diwali the working strength is up by more than 1500. . . Undoubtedly, there are pockets of insanitary conditions due to the Safai Karamcharies' strike, but we are trying our best to keep them clean as far as possible with the work force available with us.

Notices to the strikers absenting from duty are being issued to show cause why they should not be proceeded against for absenting themselves. Over 1900 such notices have been issued.

Deputy Commissioner's meeting on November 9, 1972*

The following were among the general instructions issued by the deputy commissioner DC(E)†:

The number of substitutes should be increased in all zones. ZAC's should personally supervise the night cleaning operations in the affected zones. . . . Incentive of Rs. 2 should invariably be given to all categories of Safai Karamcharies present on duty. On a query, DC(E) also ordered that this incentive should be given to refuse truck drivers also.

*At the daily meetings held by the Deputy Commissioner, the following were generally present: Medical Health Officer, Labour Welfare Officer, Deputy Health Officers, All Zonal Assistant Commissioners (ZACs), Zonal Health Officers (ZHOs), Sanitation Superintendents.

†DC(E), Deputy Commissioner (Establishment).

Incentives should be given to loyal workers who are assaulted while on duty in the following form:

- (i) cash award of Rs. 25;
- (ii) immediate hospitalisation; and
- (iii) granting of special leave.

Deputy Commissioner's Meeting on November 10, 1972

The following were among the instructions issued:

Show cause notices be issued to all absentee Safai Karam-charies.

Complaints should be lodged under DIR also.

ZAC's should maintain close liaison with the local police authorities and send them advance programme of night cleaning.

ZAC's should find out the names of the Safai-Karam-charies who were in detention for over 48 hours. Disciplinary action against them should be taken immediately. . .

DC(E) observed that some of the ZAC's were not pulling their full weight and were not personally supervising the night cleaning operations in their Zones. He instructed that all the ZACs should supervise their zones personally.

Some complaints had been received regarding non-payment of incentive money to the workers. This must be ensured by all the ZHO's/ZAC's.

Apart from these instructions, the meeting discussed other matters relating to the engaging of extra labour, protection of vehicles, arrangements of working implements, supervisory staff to supervise night cleaning and shifting of workers from one zone to another.

Meanwhile, the commissioner met the Lt. governor to apprise him of the developments of the strike and requested him to arrange for police protection for the sweepers reporting for duty.

Daily Report (November 11, 1972)

... The drive launched by voluntary organisations in

cleaning the various parts of the city has by now covered almost all the affected areas.

Over 3,000 show-cause notices have been issued to the striking Safai Karamcharies covering about half the strikers. More are in the process of being issued.

Arrangements have been made to station flying squad of Safai Karamcharies in the zones to attend to emergency calls at short notices. A task force of senior officers has been created to keep a close watch on the implementation of the settled demands.

Deputy Commissioner's meeting on November 12, 1972

The following were among the general instructions given:

Incentive of Rs. 2 per day *must* be paid to all loyal workers *everyday* without fail.

Payment of Rs. 25 to injured workers should be made on the spot and arrangements for their hospitalization should be made.

Control Rooms were not functioning properly at all places; DC(E) desired that ZACs should ensure proper functioning of the Control Rooms round the clock.

Flying squads were not functioning properly in all zones; DC(E) desired that ZACs/ZHOs should ensure proper functioning of these squads at least in the affected zones. Lists of absentee temporary part-time Safai Karamcharies should be positively sent by November 13, 1972.

Show-cause notices should be issued to all the absentee workers. The progress may be intimated in the meeting on November 13, 1972.

Supervisory staff engaged in night cleaning operations should be given rest by rotation.

On the same day, *i.e.*, November 12, 1972, DC(E) issued an order to all concerned stating that:

It is learnt that the incentive of Rs. 2 to be given everyday to loyal safai-karamcharies is not being disbursed daily. It has also been reported that this incentive has not been paid to some safai karamcharies for days together. A very serious view shall be taken of this matter

and immediate departmental action taken against persons responsible for this non-payment.

Daily Report (November 12, 1972)

Intensive night campaigns were launched in all the affected zones particularly in City, Shahdara, Karol Bagh, Sadar Paharganj Zone and Civil Lines. As a matter of fact, night campaigns have become a normal and significant feature during the current strike. . .

Teams of students and public workers were busy doing road sweeping this morning in almost all the affected areas. Voluntary efforts have by now permeated all sections of society in the capital.

On November 13, 1972, the commissioner made a detailed statement in a corporation meeting. He informed the House about the attendance position till November 13, 1972 as under:

<i>Date*</i>	<i>Number of Whole-Time and Part-Time Safai- Karamcharies</i>	<i>Substitutes/Daily Wagers</i>	<i>Total</i>
28.10.1972	11955	—	11955
30.10.1972	11631	472	12103
31.10.1972	9834	935	10769
1.11.1972	8931	1386	10317
2.11.1972	7923	1872	9795
3.11.1972	6458	2100	8558
4.11.1972	6813	1875	8688
6.11.1972	6997	947	7944
7.11.1972	6844	1806	8650
9.11.1972	6548	2251	8799
10.11.1972	6718	2452	9170
11.11.1972	6749	2446	9195
13.11.1972	6505	2099	8604

*Figures for November 5, 1972, November 8, 1972 and November 12, 1972 were not given since these were holidays.

Further, the commissioner stated:

There have been a large number of incidents all over. So far about 175 reports of obstruction to duty, snatching of

working implements, mobbing of offices, assaults of loyal workers and stoning of trucks have been reported. In almost 80 cases reports have been lodged with the police.

The total number of trucks damaged is to the tune of 30 (approximately). The loss caused on account of the damaging of trucks is roughly Rs. 30,000.

Reports of injuries caused to loyal workers on duty are to the extent of 20 cases (approximately) . . .

In spite of these problems, we have been trying to maintain services in the city to at least provide a minimum level of sanitation. I would specially mention that this has been possible so far mainly due to the joint efforts of the sanitary staff and the public of Delhi. Our officers, other supervisory staff and the loyal workers have been working under most difficult circumstances and deserve a word of praise. The public response to our appeal for keeping the city of Delhi clean has been indeed heartwarming, and in the various 'mohallas', public volunteers have joined our efforts enthusiastically. I would like to convey my personal thanks and gratitude to them. I am sure the House will express its appreciation on this as well as give a word of encouragement to our Health Department Staff led by the Dy. Commissioner(E) and the Municipal Health Officer. I would now like to deal with the question of demands, separating the 14 about which a decision was taken with the Sangh in May 1972. In the last meeting of the House there was some criticism that except for one, none of the 14 demands have been implemented. It is necessary for me to remove this impression, particularly in view of the fact that the cause of the present strike is not really related to the 14 demands as far as I know.

The Standing Committee has also passed a resolution recommending the following incentives to various categories of staff:

1. Safai Karamcharies	Rs. 12
2. Sanitary Guides	Rs. 25
3. Truck Drivers	Rs. 25
4. Asstt. Sanitary Inspectors	Rs. 35

5. Sanitary Inspectors

Rs. 50

It is difficult to give at this stage the expenditure incurred on the recruitment of daily wagers and the issue of posters, leaflets and advertisements, etc.

By a notification dated October 29, 1972 under the DIR, the sanitary services were declared as Essential Services, thus making the strike illegal. We do not have the number of arrests so far made by the police as no definite information has so far been received from them.

The commissioner then explained the position in regard to each of the 14 demands about which agreement had been reached with the Sangh, gave estimates regarding the expenditure and other aspects involved in the implementation of the demands and again emphasized that the present strike was not on account of the fourteen demands and that the progress made towards their implementation was open to the scrutiny of the standing committee and the House at any time.

He concluded his statement by saying that:

I may also mention, that since the strike in May, till October 24 this year, the leader of the Sangh had been meeting me frequently and a number of times the implementation of these demands had been discussed with him. The administration saw to it that whatever suggestions came from him were treated with consideration and in a number of cases we took action on them. It was only in the meeting held on October 24 with the Sangh that the leader confronted the Administration with the five rejected demands. The Sangh made it clear that they had come to demand that and either we concede them before Diwali or bear the consequences. As the House is well aware, the commissioner has no powers to negotiate such demands which have financial implications running into lakhs. Secondly, these had been rejected earlier by the commissioner as he considered them unreasonable and having implication which must be seen in totality . . . The Standing Committee decided in May, 1972, to refer these demands to the Lt. Governor for arbitration. When this

did not materialise and the Commissioner was asked by the Ministry of Health if the Corporation would agree to an adjudication, I placed the proposal before the Standing Committee immediately and on October 26, the Standing Committee approved this and the Sangh was informed of this. The Sangh did not accept this reference and in their letter reiterated that we must accept the five demands. I have mentioned all this only to prove that the current strike has nothing to do with the implementation of 14 demands. These five demands are before the Industrial Tribunal and its decision will be binding on the Corporation, whatever it may be. The Tribunal fixed the first hearing on November 10 but the proceedings could not continue as the summons on the Sangh were returned as unserved. The representatives of the corporation made their appearance on this date. The next date fixed for hearing is 17th.

Reverting to the question of the 14 demands, the Standing Committee has asked the commissioner to report the progress in implementation every month. Earlier, the Commissioner, had constituted a task-force of officers to report to the Commissioner personally on the progress every month. This very task-force earlier constituted will now report to the Commissioner every week.

The next day, after the commissioner's statement, the deputy commissioner held a meeting which, as usual, conveyed instructions to meet the challenges of the strike and to carry on the normal cleaning work in order to ease the difficulties of the citizens. The meeting also reviewed the progress on the targets and on the instructions given to the zonal offices.

On November 15, 1972 a press note was issued indicating the development of the strike and the effort of the corporation to maintain the normal services.

The daily report for November 15, 1972 had indicated an unsavoury event:

The latest addition to the acts of violence, assault against the workers wanting to report for duty is large scale inti-

midation by the miscreants in the shape of blackening the faces of the loyal workers, shaving their heads, moustaches and eye-brows. The mob of strikers are also picketing the exits and entrance points of the safai karamcharies' colonies.

On the next day, *i.e.*, November 16, 1972, the *Hindustan Times* reported that the Delhi Pradesh Jan Sangh Working Committee has adopted a resolution stating that "... a shameful aspect of the strike is that the striking sweepers have become violent". The resolution criticized the police for not taking action against the goonda elements.

On the following day, *i.e.*, November 17, 1972, the commissioner got a letter from the general secretary of the Delhi State Committee of All India Trade Union Congress stating that "... we urge upon you to leave the unfair labour policy of victimization and to start negotiations with the Union in order to arrive at amicable settlement, without standing on false prestige. The city's condition is getting worse day by day. We hope you will consider this question from citizens' angle who are suffering because of adamant attitude of your administration". Copies of the letter were sent to the mayor, labour commissioner, Lt. governor and to the prime minister.

On the same day, two councillors of the MCD, had heated discussions on the issue of the strike. They sent their resignations to the commissioner. The resignations, however, were rejected on technical grounds.

On November 18, 1972, the Lt. governor sent the fifth dispute, "Whether all the safai karamcharies should be paid arrears of washing allowance with retrospective effect and if so, from which date and what directions are necessary in this respect?", to the Industrial Tribunal for adjudication.

The DC(E) held meetings of the officers at the zonal offices on November 18, 19, 20 and 22. These meetings discussed necessary administrative measures after taking stock of the strike situation in different zones. It included discussion on attendance, calling the staff on holidays on over-

time basis, payment of Super Bazar bills for supply of oil and soap and other bills in the zones, payment of arrears in respect of sweepers' quarters at some locations, the possibility of the spread of epidemics, etc. The subsequent meetings on November 24, 27 and 29 emphasized administrative checks to curtail any malpractices adopted by the lower staff. It was also instructed that no information about the strike should be given to the press people without the approval of senior officers.

Meanwhile, the sweepers of New Delhi Municipal Committee decided to go on an indefinite strike in sympathy of the MCD sweepers. The other municipal employees also gave a threat to go on a one day strike on November 29, 1972.

In the Rajya Sabha, one member of the Congress(O) staged a walkout for non-admission of a calling-attention notice by him on the sweepers' strike.*

The Hindustan Times, dated November 27, 1972, reported that on November 26, 1972, "In a serious clash between the loyal and the striking Delhi Municipal Corporation sweepers nearly 30 persons, including four policemen, were injured. . . The police had to fire 20 teargas rounds to break up the fight between the two warring factions".

In a corporation meeting on November 27, 1972, the Congress members staged a walkout to protest that the violent acts of sweepers were not being condemned. A suggestion that the House should write to the union's leader to call off the strike was turned down. However, the mayor agreed to write a personal letter to him. The leader of the majority party, *i.e.*, Jan Sangh, said that the Congress members should persuade the union's leader to call off the strike for he was a Congress alderman. The corporation decided that it would not budge from its position of 'no work, no pay'.

Later in the day, the mayor wrote to the striking union's leader to call off the strike. The demands had already been referred to the Industrial Tribunal for adjudication as agreed by the union. He further added that the strike should be

**The Times of India*, November 25, 1972.

ended in the larger interest of the community; that the strike, in the long run, would harm the striking sweepers' families.

The Hindustan Times of November 28, 1972 reported that the sanitary conditions had further deteriorated due to heavy rain during the previous night. It was impossible for people to walk. The stench was unbearable. It also reported that the attendance of sweepers on November 27, 1972 was the lowest so far.*

On November 28, 1972, the union's leader said before the Industrial Tribunal that he 'is willing to call off the 30-day old strike provided wages were paid to all sweepers for the strike period, and all arrested were released and cases withdrawn against them'.†

Meanwhile, the other municipal employees engaged in essential services had given a call for Delhi Bandh for November 29, 1972. Eight unions of municipal employees formed a joint action committee and served the notice for a one-day strike in sympathy with the striking sweepers. Under section 22 of the Industrial Disputes Act, the strikers should give 14 days' clear notice, and since this notice was given only six days in advance, therefore, the sympathy strike was declared illegal.

The five demands of the Sangh were discussed at full length before the court. On December 4, 1972 the presiding officer of the Industrial Tribunal gave his interim award in regard to two of the disputed demands.

The daily reports continued to come in as usual. The daily report of November 30, and December 1 and 2 showed an increase in the attendance of the safai-karamcharies. The DC(E) asked for more effort to increase the number of regular sweepers. He provided information on the arrangements made with the police for the protection of safai karamcharies from assault by the strikers. He further informed that vans fitted with microphones were touring the colonies of safai karamcharies and asking them to return to work by December 4, 1972. The cases of all safai karamcharies returning to work before December 4, 1972, would be treated sympathetically. He also communicated the decision to allow

*See Appendix 'A'.

†*The Times of India*, November 28, 1972.

regular employees to report for duty in constituencies other than those in which they were working prior to the strike, if they so preferred.

The daily report of December 6, 1972 indicated an increase of 478 workers in the effective strength. Incidents of violent acts were reported from Karol Bagh zone where the strikers were armed with lathies, bottles, stones, acid and knives.

The corporation continued to depute publicity vans to warn the striking safai karamcharies to report for duty in view of the Interim Award on two of their demands by the Labour Tribunal, Delhi or face disciplinary proceedings including termination of services for participating in an illegal strike. It also issued a press note on December 7, 1972 indicating the violent acts in different zones and one very serious incident that took place in which attempts were made to set some municipal workers on fire. In City, Paharganj and Karol Bagh zones, strikers threw acid on loyal workers and obstructed them from performing their duties.

On December 11, 1972, the Lt. governor made the strike a cognizable offence under rule 118 of Defence of India Rules. The corporation issued show-cause notices to the safai karamcharies abstaining from duty and terminated the services of 269 employees.

The minutes of the deputy commissioner's meeting on December 11, 1972 indicated an increase in the attendance of safai karamcharies of all categories. Besides the usual administrative instructions, the DC(E) desired the ZAC's to send a list of 50 workers from each zone in respect of part-time, substitutes and daily wagers in order to issue termination notices. He further stated that as regards whole-time workers two types of lists of absentee safai karamcharies be prepared; one list of those who are temporary and have served for less than 3 years and another list of those who are permanent/confirmed or have more than 3 years temporary service to their credit.

On December 13, 1972, it was reported that there has been an improvement of 476 workers in the regular strength of whole-time and part-time safai karamcharies.

Publicity vans continued to roam all the colonies of the safai karamcharies stating that rule 118 of Defence of India Rules prohibiting the strike has been promulgated by the Delhi Administration and that further participation in this illegal strike was a cognizable offence. Disciplinary action including termination of services shall be taken against all categories of employees who are wilfully absentsing themselves.

On the same day, *i.e.*, December 13, 1972, the striking union's leader stated that, in response to the Lt. governor's appeal, he had called off the strike from midnight of December 13, 1972.

The strike which began on October 30, 1972, thus, at long last, came to an end.

II

VIEWS OF MANAGEMENT AND UNION LEADERS ON THE STRIKE*

Part II of this study consists of two sections which present, respectively, the personal views of selected members of the management of the corporation and leaders of the two unions particularly relevant to the October-December, 1972 strike. The first section is further subdivided into: (A) Executive Wing, and (B) Deliberative Wing.

The respondents who were interviewed were put the following three broad questions:

Why did the strike start?

Why did the strike continue for so long?

How was it brought to an end?

MANAGEMENT

(A) *Executive Wing*

While giving his point of view, one of the officers explained the background of the sweepers' strike. He was of the

*These are the views of the respondents who were interviewed. They are not the views of the authors of this case study.

opinion that the conservancy services are the most important for public health and the sweepers' community is the only community in India which performs such services. It was another thing that voluntary organisations helped out, to some degree, at the time of strike. On a continuous basis, however, the sweepers' community is indispensable for this job.

The striking union's leader was, obviously, well aware of this important factor. His union, also, was the most powerful union in the corporation at the time of the October-December, 1972 strike. Other unions had formed because of conflicts of authority and the desire to obtain a share of the subscription money that the sweepers paid. This leader had extensive personal authority which he used in organising strikes and he had accumulated this by cleverly exploiting the following factors:

- (a) illiteracy, poverty and ignorance of sweepers;
- (b) criticality of the profession;
- (c) political patronage;
- (d) administrative errors; and
- (e) careful choice of specific periods in the year for strikes.

He made full use of the ignorance, illiteracy and poverty of the sweepers. He was considered such a charismatic personality that the sweepers called him "Bhagwan" (God) and they had their children blessed by him. He was their hero and he got their total, blind support. The ignorance was to the extent that even when there was an increase in D.A. (Dearness Allowance) they would consider that he had brought this about.

There were three extremely vital services that the corporation had to be specially concerned with:

1. Fire Brigade;
2. Hospital; and
3. Conservancy.

Of these, conservancy was the most critical because substi-

tutes were not available, since psychologically, no one else was prepared to do the job. The respondent emphasized that the conservancy services people were best placed for a strike. This was because all members in a sweeper's family worked and they also did private work which got them income even two or three times greater than their official income.

As regards the political patronage for his strike, he got this from the following:

- (i) Congress Party;
- (ii) Jan Sangh dissidents;
- (iii) Trade Union councillors; and
- (iv) Councillors who felt for the poor sweepers.

Administratively speaking, if wages had not been paid for the strike periods in the case of previous strikes, no further strikes would have been organised.

Another important reason was supervisory support for the strike. During each strike, supervisory staff personnel have individually earned between Rs. 3,000 to 5,000. For the period of the strike, supervisors (for example, sanitary inspectors) have the authority to hire as many substitutes as possible. They can get as many thumb impressions as they like and, as yet, there is no foolproof method for checking whether that many people were in fact hired. If any one comes to check and asks for a count of heads he is told that the strikers had come and when they assaulted the loyalist sweepers, the latter fled to save their lives. The discrepancies are often large. For example, 200 persons may have actually been hired while the register shows 1000 thumb impressions. Further, sweepers from one zone go to another zone and sign as substitutes. They sign false names but even if they sign real names they get away with it.

Supervisory staff consists of about 50 persons per zone. The corporation spends Rs. 5 per day as wages and Rs. 2 per day for food. Suppose, there are 800 bogus names per day. It comes to Rs. 4,000 for wages and Rs. 1600 for food, *i.e.*, a total of Rs. 5,600 is shared by the 50 supervisory staff, which averages to about Rs. 100 per day for each official.

Commenting on the expenditures made on the strike, the respondent expressed the view that the corporation spent at least Rs. 30 lakhs during the 45 days strike though the figure given officially was Rs. 22 lakhs. The striking union's leader had been willing to settle the demands for Rs. 15 lakhs but the corporation did not agree.

With respect to the fifth factor, this leader always timed his strikes during the periods of the year when the health hazards were at the maximum, *i.e.*, around May-June or when there were many holidays like Dussehra and Diwali, *i.e.*, in October-November.

As far as reasons for the strike were concerned, the respondent said that the sweepers had unlimited individual grievances many of which were related to official corruption. The supervisory staff has informally fixed specific rates. Thus, if a sweeper doesn't come to work but wishes to be marked present he has to pay a specific amount of money; if he is absent half day but wants attendance for full day, there is a lesser amount that needs to be paid. Even to obtain a leave application, let alone get it sanctioned, a specific amount has to be paid. Another rate has to be paid if the supervisor is asked to deduct the leave of one sweeper from another sweeper's leave account. It is significant that in spite of these known malpractices nobody complains.

There are many more types of malpractices. For example, the sweeper signs for actual pay in the pay register but he gets a lesser amount. Thus, a sweeper may be signing for Rs. 138 but actually getting Rs. 120. At the same time, he knows that the balance of Rs. 18, which is being deducted, will be distributed among the supervisory staff.

When asked as to why the strike continued for so long, the respondent said it was due to: (1) the strong community feeling among the balmikis (*i.e.*, sweepers); (2) their ignorance and blind faith; and (3) the organising capacity and intelligence of their leader.

At the time of the strike, chauduries (informal leaders) of the community who were in favour of the strike went around the colonies and got the sweepers to take oath (Kasam) by putting salt in a pot (Lote me Namak Dal Kar Kasam Dilwai). This oath is very effective since it is

believed that whoever betrays an oath taken in this manner, his body will get physical disease, it will get insects and rot away. Also, since the sweepers generally reside in a colony with one entrance which can be easily controlled by two to three men with lathies, hence, nobody can come out even if he so desired. At the same time, the information network of the strikers was superb.

Commenting on police help, he said that officials always complained about the lack of help given by the police; but the police force cannot assign one constable per sweeper. Also, the police had only a stick; most importantly, the policeman questions himself as to why he should get involved. The police, therefore, generally leave the scene or come late after the event. On the other hand, strikers are not afraid of police cases as they are sure, on the basis of their past experience, that ultimately, the court will drop even the few cases taken to it.

While commenting on other support, he was of the opinion that Delhi Metropolitan Council did not support the strike.

Analysing the strike period, the respondent commented that the striking union's leader had the total backing of the conservancy staff. He had expected that all his demands would be met. He appeared to be heading for success. This was the feeling within the corporation and, at one stage, the corporation administration became helpless. They were ready to surrender and told the union leader that 'we will do everything'. But he insisted on having written assurance from the corporation that it would concede all the demands. Ultimately, the time factor defeated him. The striking sweepers wanted wages for the strike period which they did not get. The community chauduries became hostile towards him. The sweepers' community follows their chauduries. The chauduries in turn gain power, authority and money from the community. The striking union's leader considered himself a super chauduri. This aroused hostility between him and the other chauduries. Another interesting feature of the sweepers' community is that they are happy to remain as they are. They do not want to rise in the social hierarchy. Simultaneously, the chauduries want the sweepers to remain backward, other-

wise, their authority will be swept away.

The respondent mentioned that the most crucial step was to enlighten the sweepers about their duties and rights. All other techniques provided merely benevolence instead of enlightenment.

While commenting on the incentives given to the lower staff, another respondent said that he and others had worked round the clock during the 45 days' strike. But they did not get any overtime, nor any compensatory holidays nor a cash award in recognition of their services. There had been a proposal to give them a lump sum honorarium of about Rs. 1000 but the commissioner refused. He further commented that if there was another strike, he would not work with the same zeal. Now they all know that they would get nothing except work.

(B) Deliberative Wing

Two municipal councillors were interviewed in order to obtain their perceptions on the October-December 1972 strike. They were, respectively, the chairman of the Standing Committee and the leader of the Congress Party in the corporation.

The first respondent explained, that along with others, he had suggested a dialogue with the striking leaders on the five demands which remained after the May 1972 strike.

He emphasized that no other corporation in the country gave more pay and other facilities than the Delhi Municipal Corporation which was quite sympathetic to the condition of the sweepers' community. The sweepers were getting 68 holidays in the year (52 Sundays plus 16 gazetted holidays); seniority lists were being published; and now the Third Pay Commission's recommendations were being implemented.

The respondent said that at the time of the strike, the Congress Party was supporting the striking sweepers and their leader. He explained, that with the help of the Lt. governor, an agreement had been reached that the five demands should be referred to the Industrial Tribunal. However, the corporation had communicated to the union leaders that it would not pay arrears as demanded by them.

When the strikers were adamant about their demands and

continued to prolong the strike for a long time, a resolution was adopted at a corporation meeting to the effect of "no work, no pay" and this was implemented after the strike.

With regard to operational management, the respondent explained that the loyal sweepers wanted protection from the strikers but, in this regard, the police was ineffective in the help it gave. The problems of sanitation were managed through the help of Mohalla Committees, that is, people of the locality who voluntarily came together and helped in cleaning campaigns. Further, he explained, that the cleaning was usually done during the night. Sometimes the cleaning work was obstructed by the striking sweepers and clashes took place between the loyal sweepers and the striking sweepers. The pressure of the strikers began to come down when they realised that the loyal workers were also ready and equipped for a confrontation. The respondent emphasized that he felt deep concern for Class IV people, particularly, the sweepers, and that he tried to fulfil their requests and demands whenever possible, as soon as possible.

According to the respondent, the strike had been quite competently handled. They had reinstated all the strikers who had been arrested and most of the court cases had been withdrawn. The Congress Party of the corporation has asked us to give wages for the strike period, he added, but we have abided by our resolution "No Work, No Pay". This has had a very great effect in checking further strikes.

Previously, the leadership of the striking union's leader was unquestioned and powerful but now it is weakened. Now, there are many unions and no leader is too strong. Even during the strike period, the South zone did not join as also the West zone where only 50 per cent of the sweepers went on strike.

The foremost reason for some success in managing the strike was that the public supported the corporation during the strike. Our party, *i.e.*, the Jan Sangh Party, wanted that the Essential Services Act and DIR should be imposed as a preventive measure two to three days before the start of the strike. But the central government through the Lt. governor was quite apathetic. If we had had the support of the central government, the situation would have been different.

Thus, the police did not help the corporation even though repeated requests were made to the lt. governor.

Regarding the revenue of the corporation, the respondent was of the view that they did not even get the legitimate revenue due to them and when they did get it, it was after much difficulty and delay. He felt that they were being discriminated in this regard, probably because of political reasons.

The second respondent, *i.e.*, the leader of the Congress Party in the corporation, while discussing the reasons for the strike, expressed that sweepers' illiteracy and ignorance constituted the main reasons for the corrupt practices of the corporation officials. They will not mark a sweeper present unless he gives a bribe. The irrationality of the duty hours also contributed to some extent. Duty hours were 6 a.m. to 11 a.m. and 2 p.m. to 5 p.m. but normally, nobody works between 2 to 5 p.m. There is a fixed rate for regularising late arrival, *i.e.*, Rs. 10 per month; another amount of Rs. 10 per month had to be paid for getting afternoon attendance without being there on duty. There is a higher fixed fee for not coming at all and being marked present. Some sweepers have their lands outside the city and they go during the sowing and harvesting seasons. During this period, daily wagers are kept and there is again no check against official corruption.

The respondent mentioned that the sweepers' community is so illiterate, that on the day of payment of salary, a sweeper is so happy that he does not bother to count the money and with whatever he gets, he is overjoyed. Some sweepers do not know how to count the money even if they wanted to do so. All these causes have cumulative effect and the sweeper becomes a party to the corruption. He learns to feel that it is the right of the supervisory staff to take some money in exchange for all the facilities and services they provide.

The respondent went on to talk about the striking union's leader. He explained that this leader had worked a lot for the sweepers. They (the Congress Party) had tried to remove him and build up other leaders but no one was accepted by the sweepers' community, and so finally, they had recognised him as the real leader of the sweepers and acknowledged this

by making him an alderman of the corporation.

During the period of the strike, when this leader was in jail, about 200 to 300 persons came daily to pay their respect to him. At his feet, they offered sweets with garlands and flowers with Re. 1 or Rs. 2. This shows that they had total faith in him and respect for him.

The respondent mentioned that the union leader had started the October-December 1972 strike without consulting him. The strike went well for a while. But when the sweepers' community began to get crushed, we intervened. The ruling party, *i.e.*, the Jan Sangh Party, wanted to crush the striking union's leader. In this respect, the commissioner, misled us. In the beginning, the corporation said that all the 14 demands had been accepted, but in a letter to the respondent, the commissioner had acknowledged that only two or three demands had been accepted.

The respondent then explained that the *modus operandi* of the union leader for obtaining mobilisation of sweepers was that he visited all the sweepers' colonies on foot. The main features of his strikes were as follows:

- (i) initially, the strike starts in a small way but gradually it picks up momentum;
- (ii) he personally visits all the bastis but does not keep any particular timing. He goes to the basti, picks up persons, abuses them, sometimes slaps them and through such methods, surprisingly, he is able to get their support and loyalty; and
- (iii) the demands are not scientifically made—just gross demands are made simultaneously.

The respondent continued by saying that this leader is very obstinate. However, as compared with other leaders, he is more interested in the sweepers' welfare; other leaders are worse than him. He collects money but not by force; rather, the sweepers come and volunteer it. The other leaders collect more money but use coercive measures. In any case, he collects only about Rs. 500 to Rs. 700 per month just for his survival and he does not have any assets to his credit.

One of his failings is that he never consults before calling

a strike. For example, strategically, the time of the 1972 strike, *i.e.*, October-November, was not good for a strike as compared to the rainy season when the health hazards are much more. Another of his failings is that he never listens. Also, he talks abusively whether he is among sweepers or among the councillors in the House. In normal routine, sweepers never got justice. Administration does not give justice. Only if this leader took personal interest or if the respondent himself took interest, the sweepers got justice.

The respondent continued by saying that on many occasions Jan Sangh has tried to lure this leader to leave Congress Party and join Jan Sangh. Yet, he has remained loyal to the Congress Party because this is a higher value to him than even his commitment to his community.

Commenting on how the strike was brought to an end, the respondent was of the opinion that the police committed so many atrocities against the sweepers that they were fed up and tired. We also got fed up when the strike continued for so long. We needed a face saving device. We developed an understanding with the striking union's leader and we went to the Lt. governor to ask him for an appeal to end the strike.

As a parting comment, the respondent mentioned, that initially, things were not so serious, and the strike had little impact. But the resolution passed in the House that the commissioner was not authorised to negotiate and that the House would not honour any financial commitments made by the commissioner had grave repercussions. So there were no negotiations. The corporation was rigid, the Lt. governor was rigid, and the home minister was rigid. Jan Sangh even went to the extent of saying that if the centre wanted to supersede the corporation it could, but the corporation would not yield to demands having such financial implications and would not authorise the commissioner to negotiate.

According to the respondent, the October-December 1972 strike was a failure. The strikers did not get wages for the strike period. The sweepers' community, in terms of uplift, was pushed back five to seven years.

UNION LEADERS

Three union leaders belonging to the Akhil Bhartiya Safai Mazdoor Congress were interviewed with regards to the October-December 1972 strike. Prior to October 1972, they said that they were with the Delhi Pradesh Balmiki Mazdoor Sangh. For relinquishing their former roles as lieutenants and forming a new union they gave the following major reasons:

- (i) annual income and expenditure accounts of the Delhi Pradesh Balmiki Mazdoor Sangh were not disclosed and probably not even kept by its general secretary—He has misappropriated the money of the union;
- (ii) the union office should not be at the general secretary's house; and
- (iii) union elections were not held according to the constitution.

This new union is a member of the All India Safai Mazdoor Congress. The senior person among the three union leaders who was also the new union's general secretary, explained that the process of their disillusionment with their former leader had begun accelerating in December 1970. A meeting had been called by senior central government ministers to dissuade him from carrying out his threatened nude dissent march. At the meeting, the Lt. governor, and some deputy commissioners of the MCD, were present. The minister of state for home affairs rejected his demand for a 80 square yards plot for every sweeper but agreed to provide about 10,000 flats on an instalment payment basis. Whereas we had been in favour of accepting this proposal, our former leader had insisted on his demand for the 80 square yard plots and continued to use the threat of a nude march—past before Parliament House. It was then that we understood that he was not concerned with the interests of the safai karamcharies whom he represented; rather, he only identified himself with his own petty interests.

Later, in December 1971, the money that was collected by him for the Bangladesh war amounting to Rs. 15,672 (at Rs. 6

per sweeper) plus one cheque from the Delhi Development Authority of Rs 8,000 (J.J. colony karamcharies) was kept by him. When we and other karamchari leaders threatened to have him put into jail if he did not give the defence collection, he approached the leader of the Congress Party in the MCD for advice. The latter advised him to give the money. Under the pressures of the situation, he presented the prime minister with Rs. 15,421 comprising the DDA cheque of Rs 8,000 plus the remaining in cash. This, however, leaves about Rs. 8,200 unaccounted for and the respondents felt that he had misappropriated this money in the same way as he had misappropriated about Rs. 9,000 (collected at Rs. 5 per sweeper) during the war with Pakistan in 1965.

The three respondents pointed out that October 24, 1972 was a crucial day. They had issued election posters for the new union's election on this day. On the same day, their former leader went to meet the municipal commissioner to pressurize for the fulfilment of the five demands. During the meeting, he became angry and used some abusive language. Also, on this day, he had been ordered by the labour commissioner to come and give evidence for the demands pending with the court. However, he did not go. Simultaneously, he had by now become actually aware that the Congress Party councillors of the MCD were also angry with his behaviour. He began to feel that his position was weakening.

As the Asia '72 exhibition was to be inaugurated on November 3, 1972, the prime minister wanted good behaviour from him during the exhibition days. The mayor and the Lt. governor appealed to him to abandon the strike but he did not agree.

The respondent continued by saying that their former leader felt that the strike was necessary as a diversionary tactic. During the strike, his policy was that the new union's members should be violently dealt with. They must be taught a lesson.

As usual, however, he kept all his union's money, and hence, there was a shortage of funds to run the strike after he was arrested. When this happened, his follower approached us for financial and other support to fight for the demands of the sweeper community. Until November 11, 1972,

the senior respondent explained, they had been against the strike. By this time, however, about 100 men of their union had been arrested.

If those men had been released, then the new union would not have joined the strike. The respondents spoke to the municipal commissioner about their release but after saying 'yes, yes' he did not do anything. The momentum of the strike increased. Now, if they had not joined the strike, the new union would have become discredited in the eyes of the sweeper community and their followers disillusioned. So they joined the strike. They spoke for the demands and against the government's suppression. Simultaneously, they spoke against their former leader's tactics.

After his arrest, he had delegated authority to his son (22 year old, B.A., Class III government employee). His idea was that he should get money from MCD for the settlement.

On November 25, a meeting was called in Sangam Park colony at the Rana Pratap Bagh in which 2,000 karamcharies were present. The meeting resolved that since he was only for himself and his son they must choose their own representatives for negotiations. The meeting chose five representatives to negotiate with the corporation.

Later, that night, these representatives plus fifty karamcharies met a member of parliament, and the chief executive councillor, Delhi Metropolitan Council and others, and discussed the strike situation. The meeting lasted till about 3.00 a.m. They had three demands: (i) arrested karamcharies should be released unconditionally; (ii) wages must be paid for the strike period; and, (iii) all cases against karamcharies should be withdrawn and they should be taken on duty. The representatives felt that since the matter of demands was before the tribunal it made no sense to continue the strike.

Everyone, except their former leader (*i.e.*, the striking union's leader) had become fed up with the strike.

On November 26, 1972 at 3.30 a.m., the member of parliament supporting the three demands and the tribunal settlement idea, telephoned the Lt. governor and the mayor. Both the Lt. governor and the mayor agreed but the striking union's leader had to be approached for the agreement. We went to the central jail to meet him. There, he shouted, that

we, *i.e.*, the new union's leaders, were villains. He told the leader of the Congress Party in MCD that if he (*i.e.*, the striking union's leader) was paid cash, he would end the strike. At this, everybody became angry and left after condemning his behaviour.

At that stage, the corporation had agreed to pay wages for 28 days (October 30, 1972 to November 26, 1972). Now the feeling that the striking union's leader was wrong had matured fully and the karamcharies started returning to work. The respondent further stated that after the October-December, 1972 strike, the karamcharies have stopped responding to his call for strikes. After November 26, 1972, since Diwali and Id were over, and Asia '72 exhibition had been going on for some time, the strike became a more routine matter and the government became less interested in reconciliation with the striking union's leader.

On December 11, 1972, the Lt. governor issued DIR orders, under which it was made clear that if the strike did not end within 3 days, whosoever was caught under DIR would be put in jail for five years.

On December 12, 1972 we read the news of DIR in the newspaper. Along with about 300 karamcharies we went to the house of a member of parliament who belongs to our community.

He called four other MPs by telephoning to them. All these five MPs went to see the minister of state for home affairs at his residence and supported the karamchhari representatives in their three demands made on November 25, 1972 and their fourth demand, *i.e.*, to end DIR. The minister told them to talk to the striking union's leader and come back by 3 p.m. By then, he would have discussed the matter with the Lt. governor.

Of the group that had collected, there were some who were followers of the striking union's leader. They immediately informed his son that an agreement would be reached by 3 p.m. that day. The son telephoned his father to end the strike voluntarily otherwise he would lose his leadership. At this, the striking union's leader telephoned the leader of the Congress Party in MCD and asked him to request the Lt. governor to appeal for an end to the strike. He assured

that he would then end the strike unconditionally.

Meanwhile, the five MPs sent their representatives to meet him. Had he accepted the settlement that the five MPs and the minister of state for home affairs had informally agreed on, then the situation would have been an excellent one for the karamcharies. They would have been able to feel the pride of having ended the strike through a process of dignified dialogue and they would have received the wages for the strike period. As it happened, the striking union's leader finally surrendered unconditionally and we got no wages for the strike period. We felt ridiculous in the eyes of the public, the karamcharies' movement was pushed about ten years back and the worst consequence of all was that we experienced a serious loss of pride, esteem and dignity. The only positive consequences of the strike were that the new union increased in strength and our former leader's position of leadership was greatly corroded.

Later in the day, on December 12, 1972, the leader of the Congress Party in MCD met the Lt. governor. On television that night, the Lt. governor appealed for an end to the strike. On the next day, *i.e.*, December 13, 1972, the striking union's leader called off the 45 days' strike unconditionally.

Striking Union's Leader

The respondent who was the general secretary of the Delhi Pradesh Balmiki Mazdoor Sangh was of the view, that in the past, nothing has been given on time. There is lot of corruption among the officials. They take signatures for full uniform, yet only partial uniform is given. He explained that since 1958, the arrears of uniform allowance or washing allowance had not been given. Also, the demands of the May 1972 strike remained partially unfulfilled.

About the extent of corruption, he was of the view that it was on a large scale, that everything involves bribes. Supervisory staff takes Rs. 500 to hire a temporary worker and takes another Rs. 500 to convert the temporary into a permanent employee. Even councillors are not free from corruption. For example, they are authorised to hire 10 persons in their constituency, and for doing this, they take bribes.

On being asked why his followers left him, the union

leader said that one follower who was now the leader of the rival union had run away with Rs. 7,000 of our 1965 defence fund collection and his associate had taken another Rs. 2,200. Hence, he turned them out of the union. The respondent then claimed that he had never been corrupt; his self-respect was worth much more to him than money.

During the course of the interview he also mentioned a meeting held in 1971 at which the chief executive councillor, Delhi Metropolitan Council had told him that they would get washing allowance arrears and holiday arrears from 1958.

Only through strikes, the respondent continued, has the sweeper community received benefits. He mentioned that he had been assured by the leader of the Congress Party in the MCD that the wages for the October-December 1972 strike would be paid and we trusted him because he is the leader of our party.

Commenting on the allegations of his union's weakness, he asked, "How can our union be weak if we can hold a 45 days' strike?" When asked to comment on the rival union leaders' claim that many of their men had been arrested during the strike, he exclaimed that they had had only two or three men arrested; that it was his men who had been arrested. He concluded by saying that other unions were very small and weak.

III

CASE WRITERS' ANALYSIS

In our analysis of the causation, continuance and termination of the October 30-December 13, 1972 strike, we were faced with the perennial problem of multiple perceptions. Different individuals and groups have different views, sometimes diametrically opposite views, and in trying to understand and integrate these views, we have also developed our own perception of the same ultimate reality.

The conceptual framework of our analysis has the following features:

- (i) theoretically, the interaction of an infinite number of

forces is responsible for the occurrence of any phenomena;

- (ii) practically, however, a number of critical forces can be analysed as the primary determinants;
- (iii) these critical forces can be classified into subsystems; and
- (iv) the dynamic interaction of these subsystems is assumed to be responsible for the occurrence of the phenomena.

Let us now examine the three issues of strike causation, strike continuance and strike termination.

STRIKE CAUSATION

With regard to strike causation, the following subsystems constitute the causal system:

1. Striking Union's Leader;
2. Leaders of Rival Unions; and
3. Organisation's Strike Period Wage Policy.

We shall discuss the last named subsystem first because it sets up the general background environment which stimulates strike attitudes on the part of the safai karamcharies. For each of the strikes that have occurred over the past three and a half years, the corporation has paid wages for the strike periods. These periods, therefore, have become associated in the minds of safai karamcharies as periods of: No Routine Work, Full Pay, No Victimization of Strikers afterwards. Also, these periods have resulted in considerably increased prestige in the sweepers' community and for the leader of the striking sweepers because the strikes have resulted in substantial benefits.

Consequently, a more complete equation for a strike is:

Strike = No Routine Work, Full Pay, No Victimization of Strikers, Higher Subsequent Benefits, Increased Prestige for Striking Union's Leader.

It is only natural and rational that under these conditions

strikes occur again and again.

The final catalyst for the strike was the striking union's leader. The general conditions for motivating him to instigate the community into a strike had been provided by subsystem 3. An added spark was provided by subsystem 2, that is, the presence of rival union leaders who threatened his position of supremacy.

STRIKE CONTINUANCE

The causal system responsible for the agonizing continuance of the strike can also be viewed to consist of three main subsystems:

1. Striking Group's Tactics;
2. Strikers' Loyalty to their Leader; and
3. Junior Officers of the Organisation.

The tactics used by striking sweepers seem to incorporate the following two major features:

- (a) violence towards non-striking sweepers; and
- (b) exploitation of sweepers' ignorance.

The violence seems to have been in many forms—from physical assaults with lathies, to shaving the heads of loyal workers, to throwing acid on them. The second feature was emphasized by an officer of the corporation whom we had interviewed. One example of it that he gave was the exploitation of the belief of the safai karamcharies that once they have committed themselves to strike (whether voluntarily or under coercion) by taking an oath in a traditional style then, if they betrayed their oath, they would suffer physical annihilation through some terrible disease.

The second subsystem which formed part of the necessary fuel for the continuance of the strike is seen by us to be the loyalty of the sweepers to their leader. The source of this loyalty, logically, is the long association of this leader with the cause of the sweepers. Since the rewards that MCD has given have generally followed a reactive pattern—they have

been given as a result of strikes—it is only natural that he has gained the loyalty of the sweepers. If the MCD had followed or follows in the future, a proactive pattern of giving rewards and additional gains, both economic and psychonomic (for example, pride, esteem, dignity, involvement, enlightenment) in exchange for higher commitment and productivity which the MCD can facilitate *via* the use of superior organisational structure, administrative policies, behavioural processes and technological devices, then it could have earned or can earn in the future the heartfelt appreciation and loyal cooperation of the same safai karamchari community.

Let us examine, now, the third subsystem. The junior officers of the corporation seem to play a dual role. In one role, their communications would be for not starting a strike in the first place and in support of strike termination, once the strike has begun. However, in the second role, motivated by the financial gains that the alleged corrupt practices possibly provide for them, they may support a prolonged strike. Two strategies for increasing the power of the first role and decreasing that of the second could be:

- (a) regular weekly meetings (for an hour or two) of senior officials with the junior officials to discuss and understand and take joint action to provide opportunities for the satisfaction of their, *i.e.*, junior officials' needs, frustration of which is hypothesized to result in their motivation towards antisocial practices;
- (b) increasing the degree of participation and involvement of the junior officers in the decision-making process in the zones and at the headquarters.

STRIKE TERMINATION

Finally, on December 13, 1972, after 45 days, the strike was terminated. What were the forces that operated to bring about this long awaited event? The following three subsystems are seen by us to be the causal system:

1. Strategic Disciplinary Actions;

2. Antagonists of Striking Union's Leader; and
3. Interpersonal Pressure.

The first subsystem consists of two major strategic actions:

- (a) the policy of No Work, No Pay; and
- (b) the promulgation by the Lt. governor, on December 11, 1972, of rule 118 of the Defence of India Rules prohibiting the strike and communicating that further participation is a cognizable offence and shall be punishable by immediate imprisonment.

The second subsystem, *i.e.*, antagonists of the striking union's leader, comprised mainly of rival union leaders and informal leaders of the sweepers' community. They were probably aroused into a potent force as a result of hostility towards the striking union's leader for his unreasonableness in losing a number of opportunities when the authorities were willing to give wages for the strike period in exchange for strike termination, and also, by the desire to make him lose status in the community.

The third subsystem was the leader of the Congress Party in the corporation, who wielded considerable influence with the striking union's leader. After he was convinced that the tide of public support had gone against the continuance of the strike and that allowing the strike to continue was doing damage to the image of the Congress Party, he used his personal influence to make the striking union's leader agree to terminate the strike. In return, he was able to provide him the opportunity to do this in a somewhat graceful manner, *i.e.*, as a response to an appeal by the Lt. governor.

Appendix A**ATTENDANCE POSITION DURING THE OCTOBER-DECEMBER, 1972 STRIKE**

<i>Date</i>	<i>Whole-time</i>	<i>Part-time</i>	<i>Total</i>	<i>Substitutes</i>	<i>Grand Total</i>
(1)	(2)	(3)	(4)	(5)	(6)
28.10.72 (before strike)	9609	2346	11955	—	11955
30.10.72	9293	2338	11631	472	12103
31.10.72	7674	2160	9834	935	10769
1.11.72	7012	1919	8931	1386	10317
2.11.72	6196	1727	7923	1872	9795
3.11.72	5109	1349	6458	2100	8558
4.11.72	5347	1466	6813	1875	8688
6.11.72	5464	1533	6997	947	7944
7.11.72	5296	1548	6844	1806	8650
9.11.72	5076	1472	6548	2251	8799
10.11.72	5185	1533	6718	2452	9170
11.11.72	5223	1526	6749	2446	9195
13.11.72	5009	1496	6505	2099	8604
14.11.72	4900	1497	6397	2223	8620
15.11.72	4908	1503	6411	2686	9097
16.11.72	4897	1508	6405	2590	8995
17.11.72	4799	1461	6260	2654	8914
18.11.72	4884	1480	6364	2817	9181
21.11.72	4809	1512	6321	2227	8548
22.11.72	4863	1459	6322	2544	8866
23.11.72	4848	1444	6292	2626	8918
24.11.72	4805	1436	6241	2440	8681
25.11.72	4785	1430	6215	2691	8906
27.11.72	4460	1338	5798	2092	7890
28.11.72	4711	1401	6112	2260	8372
29.11.72	4728	1430	6158	2621	8779
30.11.72	4743	1431	6174	2831	9005

(Continued)

(Continued)

(1)	(2)	(3)	(4)	(5)	(6)
1.12.72	4716	1425	6141	2879	9020
2.12.72	4725	1449	6174	2803	8977
4.12.72	4728	1447	6175	2698	8873
5.12.72	4796	1452	6248	3046	9294
6.12.72	4823	1472	6295	3056	9351
7.12.72	4822	1479	6301	2768	9069
8.12.72	4813	1477	6290	2675	8965
9.12.72	4883	1466	6349	2549	8898
11.12.72	4789	1474	6263	2506	8769
12.12.72	4960	1502	6462	2970	9432
13.12.72	5399	1539	6938	3148	10086
(45th day of strike)					

Appendix B**MCD'S POSITION ON THE FIVE DEMANDS**

The position of the rejected five demands is as under:

**ARREARS OF WASHING ALLOWANCE SHOULD BE
PAID FROM 1958**

The corporation follows the Government of India in the matter of pay and allowances to their employees. Since class IV employees in the Government of India attached to offices were getting washing allowance at the rate of Re. 1 per month, the Standing Committee vide Resolution No. 3 dated October 23, 1959 also sanctioned washing allowance at the rate of Re. 1 to class IV staff attached to the offices. Sweepers, Malis, Beldars or such other Class IV staff which were not attached with the offices were not sanctioned this allowance. The Delhi Prantiya Balmiki Mazdoor Sangh functioning amongst the conservancy staff of the MCD raised a demand in 1964 that washing allowance be also paid to all the sweepers because: (i) they were in receipt of uniforms, (ii) they were handling dirt, and (iii) class IV staff attached to the office is being given this allowance. The demand was examined and it was found that since the Government of India was not paying washing allowance to their field staff, the corporation could also not pay the same to their field staff. Moreover, if sweepers were sanctioned washing allowance, other field staff like Malis, Beldars, etc., would also claim the same and it would involve recurring expenditure of a few lacs of rupees per annum. This matter was, therefore, referred to the Standing Committee recommending rejection of the demand but the Standing Committee vide Resolution No. 209 dated May 29, 1968 sanctioned washing allowance at Re. 1 p.m. to all the sweepers except those who were in receipt of dirt allowance. This decision was implemented w.e.f. June 1, 1968.

The Delhi Pradesh Balmiki Mazdoor Sangh raised a demand in their strike notice dated June 9, 1969 that washing

allowance be paid to all the Safai Karamcharies at the rate of Rs. 5 per month with payment of arrears for the last 20 years. The matter came up for discussion in the conciliation proceedings and a settlement was arrived at on July 24, 1969 that the matter be referred to the corporation but before it could take a decision, the union again raised this demand in another strike notice dated January 12, 1970. A settlement was arrived at on February 5, 1970 between the parties (Corporation and the Sangh) before the Labour Commissioner, Delhi and it was decided to refer the matter to the Lt. governor for his mediation.

The Lt. governor in his interim report recommended that washing allowance be increased from Re. 1 to Rs. 2 p.m. on the analogy of NDMC and the same was done. He, however, did not accept the demand of the Sangh to pay washing allowance since last 20 years. It may be mentioned that other field staff like Malis, Beldars, etc., were sanctioned washing allowance only from August 1, 1969.

The Delhi Pradesh Balmiki Mazdoor Sangh, however, did not abide by the settlement signed on February 5, 1970 and raised this demand in another strike notice dated October 15, 1971. The Sangh, however, called off the strike notice after meeting the Union Health Minister. The Union Health Minister convened a meeting of the corporation and the Sangh representatives on October 19, 1971 and it was decided that the mayor would hold meetings with the Sangh representatives and localise the area of differences. After this is done, the Union Health Minister would try to bring about a settlement on the points of differences; accordingly, meetings were held and the Health Ministry was kept informed of the differences. In the meantime, however, the Delhi Administration referred this issue to the Additional Industrial Tribunal for adjudication and the same is pending before it. The award of the Tribunal when received will be examined and necessary action taken.

The demand, if accepted, will cost an expenditure of Rs. 67 lacs on account of arrears.

ALL SWEEPERS SHOULD BE GRANTED RS. 15 PER MONTH AS DIRT ALLOWANCE (GANDGI ALLOWANCE)

According to the practice prevalent in the corporation, Dirt (Gandgi) Allowance is paid to such staff which come in direct contact and touch with filth and dirt. Accordingly, the following categories of employees are paid dirt allowance:

- (a) Lorry Beldars;
- (b) Sewer Beldars; and
- (c) Dumping Ground Beldars.

These employees are paid dirt allowance at the rate of Rs. 5 p.m. Drivers posted on refuse trucks are paid dirt allowance at the rate of Rs. 15 p.m.

The Delhi Pradesh Balmiki Mazdoor Sangh in their strike notice dated June 9, 1969 raised a demand that dirt allowance be sanctioned to all the sweepers and it should be paid at the rate of Rs. 15 p.m. on the analogy of drivers. A settlement was arrived at on July 24, 1969 and it was decided that the demand be referred to the competent authority of the Corporation for decision. However, before the MCD could take a decision, the Sangh raised this demand in another strike notice dated January 12, 1970, and a settlement was arrived at on February 5, 1970. It was decided that the issue be referred to the Lt. governor for his mediation. The Lt. governor, after examining the demand in detail and also with reference to other Municipal Corporations of the Metropolitan cities and NDMC, rejected the same. He, however, sanctioned increase of dirt allowance from Rs. 2 p.m. to Rs. 5 p.m. to lorry sweepers w.e.f. January 1, 1971 and the same has been done.

In this connection it may also be mentioned that handling of dirt is inherently involved in the job of sweepers and they cannot claim an allowance for the same. Lt. governor in his mediation report had also held similar views in the matter. Moreover, if this demand is conceded, similar demands will also come forward from Malis, Beldars, Frashes, etc., and it will mean an extra recurring expenditure of a few lacs of Rs. per annum.

As regards dirt allowance at the rate of Rs. 15 p.m. to

drivers posted on refuse trucks, the position is that drivers are reluctant to be posted on refuse trucks and it is a sort of incentive to attract them on refuse trucks. Moreover, drivers are class III employees and they cannot be equated in the matter of pay and allowances with Class IV employees. Being class III employees, they have to be paid dirt allowance at a higher rate than admissible to sweepers. The demand, if accepted, will cost an expenditure of Rs. 260 lacs on account of arrears besides a recurring expenditure of Rs. 21.6 lacs per annum.

**ALL LADY SWEEPERS SHOULD BE SUPPLIED WITH COATS,
SANDALS AND SARIS WITH RETROSPECTIVE EFFECT**

... The Delhi Pradesh Balmiki Mazdoor Sangh in their strike notice dated June 9, 1969 raised a demand that lady sweepers be given coats, sandals and socks. A settlement was arrived at between the corporation and the Sangh on July 24, 1969 and it was decided that this demand be referred to the Conciliation Board to be constituted by the Delhi Administration. However, before the Conciliation Board could sort out the matter, the union again raised this issue in another strike notice dated January 12, 1970. A settlement was again arrived at between the parties on February 5, 1970 and it was decided that the issue be referred to the Lt. governor for his mediation. In the meantime, however, the Standing Committee vide Resolution No. 100 dated April 23, 1970 sanctioned coat and sandals to sweeperesses and the same are now being given. The question of arrears of coats and sandals prior to April 23, 1970, when sanction for these items did not exist, does not arise.

The Lt. governor in his mediation report dated December 15, 1970 recommended adoption of NDMC scale of uniform and the same has been adopted by the Corporation w.e.f. April 1, 1971. The NDMC uniform does not include Sari and the question of giving Saris to Lady Sweepers does not arise. The demand, if accepted, will cost an expenditure of Rs. 21 lacs on account of arrears besides a recurring expenditure of Rs 1.4 lacs per annum.

8 FESTIVAL HOLIDAYS GRANTED TO THE SWEEPERS SHOULD BE MADE EFFECTIVE FROM 1958

Earlier, sweepers were being given only 8 gazetted holidays. The Delhi Pradesh Balmiki Mazdoor Sangh in their strike notice dated June 9, 1969 raised a demand that sweepers be given 16 gazetted holidays as were admissible to other class IV employees and the arrears be given w.e.f. 1958. A settlement was arrived at between the parties on July 24, 1969 and it was decided that the issue be referred to the Conciliation Board to be constituted by the Delhi Administration. The Sangh, however, did not wait for the board to bring about a settlement on the issue and again raised this demand in their strike notice dated January 12, 1970. A settlement was again arrived at between the parties on February 8, 1970 and it was decided that the demand be referred to the mediation of Lt. governor. The Lt. governor in his interim report recommended that the number of gazetted holidays be increased from 8 to 16 as in the NDMC and the same be given effect to from January 1, 1970. He, however, did not accept the demand of the Sangh for giving effect to increase in the number of holidays from 1958. The Corporation has implemented his recommendation. The demand, if accepted, will cost an expenditure of Rs. 72 lacs on account of arrears.

SWEEPERS SHOULD BE PAID BONUS WITH ARREARS

The General Wing of the Corporation is not covered under the Bonus Act. Moreover, the General Wing of the Corporation is a service rendering public organisation and does not run on commercial basis. The question of paying bonus to the employees, therefore, does not arise.

The DESU* and the WS&SDU† have been giving *ex gratia* equivalent of one month's pay to their employees. The Sangh has advanced an argument that since the Drainage Staff employed on the work of cleaning of drains and sewers, work under the administrative control of the Health Department of the General Wing and get *ex gratia*, their

*Delhi Electric Supply Undertaking.

†Water Supply and Sewage Disposal Undertaking.

counterparts/fellow-workmen working on roads, latrines, dalaos, etc., should also get the same. This argument, is not tenable for sweepers who are employees of the General Wing as they are not governed by the service conditions applicable to drainage staff of the WS&SD Undertaking. Moreover, funds of the Corporation come through taxes and the same cannot be disbursed by way of *ex gratia*.

It may also be mentioned that a number of staff unions raised this demand and as a result of a settlement with a particular union, the matter was referred to the corporation for decision. The corporation has referred the matter back to the Commissioner to put it up again after the receipt of the report of the Third Pay Commission. The demand, if accepted, will cost an additional expenditure of Rs. 20 lacs per annum.

Appendix C**MCD'S CALCULATION OF THE FINANCIAL IMPLICATIONS OF THE FIVE DEMANDS**

(All calculations are approximations)

- | | |
|--|------------------------------------|
| 1. Arrears of washing allowance
(@ Rs. 5 p.m.) | Rs. 67,00,000 |
| 2. Dirt allowance to all sweepers
(@ Rs. 15 p.m.) | Rs. 2,60,00,000 for arrears. |
| | Rs. 21,60,000 per annum hereafter. |
| 3. Sandals and coats to lady sweepers | Rs. 12,00,000 for arrears. |
| Saris | Rs. 9,00,000 for arrears. |
| 4. Arrears of 8 festival holidays | Rs. 72,00,000 |
| 5. Bonus to drain sweepers with arrears | Rs. 12,00,000 |

(Acceptance of this demand is likely to create further demand of payment of bonus to all categories of sweepers. It will mean an expenditure of Rs. 20,00,000 in a year. And this will result in agitation for payment of bonus to all categories of staff from top to bottom. The expenditure will come to Rs. 80,00,000 every year.)

